

भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० १३] नई दिल्ली, शनिवार, मार्च २२, १९६९/चैत्र १, १८९१

No. 13] NEW DELHI, SATURDAY, MARCH 22, 1969/CHAITRA 1, 1891

इस भाग में निम्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग सकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

नोटिस

NOTICE

नीचे लिखे भारत के असाधारण राजपत्र ७ मार्च, १९६९ तक प्रकाशित किये गये।—

[The undermentioned Gazettes of India Extraordinary were published up to the 7th March, 1969:—

Issue No.	No. and date	Issued by	Subject
78	S.O. 835, dated 1st March, 1969]	Ministry of Food, Agriculture, Community Development and Cooperation	The Delhi, Meerut and Bulandshahr Milk and Milk Products Control Order, 1969.
79	S.O. 836, dated 1st March, 1969	Ministry of Labour, Employment and Rehabilitation	Withdrawing the proceedings in relation to the dispute between the management of the Life Insurance Corporation of India, Bombay and their workmen from the National Industrial Tribunal, Calcutta and transferring the same to the National Industrial Tribunal, New Delhi.
80	S.O. 837, dated 31st March, 1969]	Election Commission of India.	Calling upon the elected members of the Legislative Assembly of the State of Madhya Pradesh to elect a person to the Council of States of that State.
	S.O. 838, dated 3rd March, 1969	Do.	Appointment of dates for the above election (S.O. 837).

Issue No.	No. and date	Issued by	Subject
	S.O. 839, dated 3rd March, 1969	Election Commission of India	Fixation of loans for the above election S.O. 837)
	S.O. 840, dated 3rd March, 1969	D.O.]	Designating the Secretary, Madhya Pradesh Vidhan Sabha, Bhopal to be the Returning Officer for the above election (S.O. 837).
	S.O. 841, dated 3rd March, 1969	D.O.	Appointing the Deputy Secretary of Madhya Pradesh Vidhan Sabha, Bhopal, to assist the Returning Officer for the above election (S.O. 837).]
	एस० ओ० 842, दिनांक 3 मार्च, 1969	भारत निर्वाचन आयोग	मध्य प्रदेश राज्य की विधान सभा के निर्वाचित सदस्यों से अपेक्षा करना कि वे उस राज्य के राज्य सभा के लिए एक व्यक्ति निर्वाचन करें।
	एस० ओ० 843, दिनांक 3 मार्च, 1969	तदीय	हस्ताक्षर होने वाले निर्वाचन के लिए तारीख नियत करना (एस० ओ० 842)।
	एस० ओ० 844, दिनांक 3 मार्च, 1969	तदीय	राज्य सभा के लिए होने वाले निर्वाचन के लिए समय नियत करना (एस० ओ० 842)।
	एस० ओ० 845, दिनांक 3 मार्च, 1969	तदीय	राज्य सभा के लिए होने वाले निर्वाचन के लिए मध्य प्रदेश विधान सभा, भोपाल के सचिव के रिटनिंग आफिसर के रूप में पदबिहित करना (एस० ओ० 842)।
	एस० ओ० 846, दिनांक 3 मार्च, 1969	तदीय	राज्य सभा के लिए होने वाले निर्वाचन के लिए रिटनिंग आफिसर की सहायता करने के लिए मध्य प्रदेश विधान सभा के उपसचिव की नियुक्ति करना (एस० ओ० 842)।

Issue No.	No. and date	Issued by	Subject
81	S.O. 922, dated 3rd March, 1969	Ministry of Foreign Trade and Supply.	Extending the period of tenure for a further period upto and inclusive of the 3rd March, 1970 in regard to the management of Pratap Spinning, Weaving and Manufacturing Company Limited, Amalner (Maharashtra).
	S. O. 923, dated 3rd March, 1969	Do.	Extending the term of Shri T.G. Chowdhari for a further period upto and inclusive of 3rd March, 1970.
82	S.O. 924, dated 3rd March, 1969	Ministry of Home Affairs.	Appointing the tenth day of March 1969 as the date on which the Central Industrial Security Force Act, 1968 (50 of 1968) shall come into force.
83	S.O. 925, dated 5th March, 1969	Ministry of Information and Broadcasting.	Approval of the films as specified in the Schedule therein.
<p>एस० ओ० 926, दिनांक सूचना और प्रसारण अनुसूची में दी गई फिल्मों को 5 मार्च, 1969 मंत्रालय स्वीकृति देना।</p>			
84	S.O. 927, dated 7th March, 1969	Ministry of Labour, Employment and Rehabilitation.	Amendment in S.O. 3385, dated 17th September, 1968.
	S. O. 928, dated 7th March, 1969	Do.	Referring an industrial dispute of the Newspaper Establishment known as Bennett Coleman and Company Limited and their workmen to the National Tribunal at Calcutta.
85	S. O. 929, dated 7th March, 1969	Ministry of Food, Agriculture, Community Development and Cooperation.	Fixation of maximum prices for the sale of vegetable oil products in the various zones.

ऊपर लिखे प्रकाशन राजपत्रों की प्रतियाँ प्रकाशन प्रबन्धक, सिविल लाइन्स, दिल्ली के नाम मांगपत्र भेजने पर भेज दी जाएंगी। मांगपत्र प्रबन्धक के पास इन राजपत्रों के जारी होने की तारीख से 10 दिन के भीतर पहुँच जामे चाहिए।

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

भाग II—खण्ड 3—उपखण्ड (ii)

PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ क्षेत्र प्रशासन को छोड़कर) केन्द्रीय प्राधिकरणों द्वारा जारी किये गए विधिक आदेश और अधिसूचनाएं।

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).

ELECTION COMMISSION OF INDIA

New Delhi, the 10th March, 1969

S.O. 1043.—In exercise of the powers conferred by sub-section (1) of section 13B of the Representation of the People Act, 1950 (43 of 1950), and in supersession of its Notification No. 429/LM/66, dated the 18th November, 1967, the Election Commission hereby designates the Secretary (Administration), Union Territory of the Laccadive, Minicoy and Amindivi Islands as the Electoral Registration Officer for the Laccadive, Minicoy and Amindivi Islands Parliamentary constituency.

[No. F.429/LM/69.]

By Order,

K. S. RAJAGOPALAN, Secy.

भारत निर्वाचन आयोग

नई दिल्ली 10 मार्च, 1969

एस० ओ० 1044.—लोक प्रतिनिधित्व अधिनियम, 1950 (1950 का 43) की धारा 13-ख की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और अपनी अधिसूचना संख्या 429/ल०मि०/66, तारीख 18 नवम्बर, 1967 को अतिष्ठित करके, निर्वाचन आयोग, लक्कादीव, मिनीकोय तथा अमीनदीवी द्वीप संघ राज्यक्षेत्र के सचिव (प्रशासन) को लक्कादीव, मिनीकोय और अमीनदीवी द्वीप संसदीय निर्वाचन क्षेत्र के लिए निर्वाचन रजिस्ट्रीकरण ऑफिसर के रूप में एतद्द्वारा पदाभिहित करता है।

[सं० 429/ल०मि०/69.]

आदेश से,

के० एस० राजगोपालन, सचिव।

MINISTRY OF HOME AFFAIRS

New Delhi, the 14th March 1969

S.O. 1045.—In exercise of the powers conferred by sub-section (1) of section 492 of the Code of Criminal Procedure, 1898 (5 of 1898), the Central Government hereby appoints Shri P. P. Khambatta, Advocate of Bombay, as a Public Prosecutor to conduct before the Bombay High Court Criminal Appeal No. 257/69 pertaining to D.H. Walcott and Criminal Appeal No. 258/69 pertaining to J. C. Donze :

[No. F. 225/7/69-AVD(II).]

R. C. JOSHI, Under Secy.

विदेश मंत्रालय

नई दिल्ली 10 मार्च, 1969

एस० नो० 1046.—राजनयिक एवं कौंसली अधिकारी (शपथ एवं शुल्क) अधिनियम, 1948 के खण्ड 2 धारा (क) के अनुसार, केन्द्र सरकार इसके द्वारा भारतीय राजदूतावास, त्रिपोली, में सहायक, श्री वी० पी० खत्री को, तत्काल, प्रगला प्रादेश होने तक, कौंसली अधिकर्ता का कार्य करने का प्राधिकार देती है ।

[सं० टी० 4330/1/68.]

पी० सी० भट्टाचारजी,

अवर सचिव ।

MINISTRY OF FINANCE
(Department of Economic Affairs)

New Delhi, the 5th March 1969

S.O. 1047.—Statement of the Affairs of the Reserve Bank of India, as on the 28th February 1969

BANKING DEPARTMENT

LIABILITIES		ASSETS	
	Rs.		Rs.
Capital paid-up	5,00,00,000	Notes	27,43,08,000
Reserve Fund	150,00,00,000	Rupee Coin	8,57,000
National Agricultural Credit (Long Term Operations) Fund	143,00,00,000	Small Coin	6,87,000
National Agricultural Credit (Stabilisation) Fund	33,00,00,000	Bills Purchased and Discounted :—	
National Industrial Credit (Long-Term Operations) Fund	55,00,00,000	(a) Internal . . . . .	..
		(b) External . . . . .	..
		(c) Government Treasury Bills	188,59,77,000
		Balances held Abroad*	117,10,61,000
		Investments**	156,66,19,000
Deposits :—		Loans and advances to :—	
(a) Government		(i) Central Government . . . . .	..
(i) Central Government	54,84,82,000	(ii) State Governments@	85,34,92,000

(ii) State Governments	6,43,94,000	Loans and Advances to :—	
(b) Banks		(i) Scheduled Commercial Banks†	119,18,58,000
(i) Scheduled Commercial Banks	151,02,17,000	(ii) State Co-operative Banks††	245,35,02,000
(ii) Scheduled State Co-operative Banks	6,28,14,000	(iii) Others	2,05,55,000
(iii) Non-Scheduled State Co-operative Banks	1,11,07,000	Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund—	
(iv) Other Banks	22,64,000	(a) Loans and Advances to :—	
(c) Others	291,05,48,000	(i) State Governments	30,90,62,000
Bills Payable	48,84,42,000	(ii) State Co-operative Banks	13,55,79,000
Other Liabilities	102,55,01,000	(iii) Central Land Mortgage Banks . . . . .	..
		(b) Investment in Central Land Mortgage Bank Debentures	8,58,95,000
		Loans & Advances from National Agricultural Credit (Stabilisation) Fund—	
		Loans and Advances to State Co-operative Banks	5,23,37,000
		Loans, Advances and Investments from National Industrial Credit (Long Term Operations) Fund—	
		(a) Loans and Advances to the Development Bank	6,26,71,000
		(b) Investment in bonds/Debentures issued by the Development Bank . . . . .	..
		Other Assets	41,94,09,000
Rupees	1048,38,69,000	Rupees	1048,38,69,000

*Includes Cash, Fixed Deposits and Short-term Securities.

** Excluding Investments from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit (Long Term Operations) Fund.

@Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

†Includes Rs. 75,40,28,000 advanced to scheduled commercial banks against usance bills under Section 17(4)(c) of the Reserve Bank of India Act.

††Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated the 5th day of March, 1969.

An Account pursuant to the Reserve Bank of India Act, 1934 for the week ended the 28th day of February 1969
ISSUE DEPARTMENT

LIABILITIES		ASSETS	
	Rs.	Rs.	Rs.
Notes held in the Banking Department	27,43,08,000	Gold Coin and Bullion :—	
		(a) Held in India	182,53,11,000
		(b) Held outside India . . . .	..
		Foreign Securities	171,42,00,000
Notes in circulation	<u>3396,15,35,000</u>	TOTAL	353,95,11,000
		Rupee Coin	78,16,21,000
Total Notes issued	3423,58,43,000	Government of India Rupee Securities.	2991,47,11,000
		Internal Bills of Exchange and other Commercial Paper . . . .	..
Total Liabilities	<u>3423,58,43,000</u>	Total Assets	<u>3423,58,43,000</u>

Dated the 5th day of March 1969.

L. K. JHA,
Governor.

[No. F. 3(3)-BC/69.]

New Delhi, the 12th March 1969

S.O. 1048.—Statement of the Affairs of the Reserve Bank of India, as on the 7th March, 1969

BANKING DEPARTMENT

LIABILITIES		ASSETS	
	Rs.		Rs.
Capital Paid up	5,00,00,000	Notes	14,59,43,000
		Rupee Coin	3,61,000
Reserve Fund	150,00,00,000	Small Coin	6,90,000
		Bills Purchased and Discounted :—	
National Agricultural Credit (Long Term Operations) Fund	143,00,00,000	(a) Internal . . . . .	..
		(b) External . . . . .	..
		(c) Government Treasury Bills	152,35,15,000
National Agricultural Credit (Stabilisation) Fund	33,00,00,000	Balance, Held Abroad*	111,33,81,000
		Investments**	113,18,12,000
National Industrial Credit (Long Term Operations) Fund	55,00,00,000	Loans and Advances to :—	
		(i) Central Government . . . . .	..
		(ii) State Governments†	118,49,38,000
Deposits:—		Loans and Advances to :—	
(a) Government		(i) Scheduled Commercial Banks†	204,05,75,000
		(ii) State Co-operative Banks††	244,26,59,000
(i) Central Government	90,19,63,000	(iii) Others	3,05,15,000

LIABILITIES		ASSETS	
	Rs.		Rs.
		Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund :—	
(3) State Governments	9,81,07,000	(a) Loans and Advances to :—	
(b) Banks:—		(i) State Governments	30,87,12,000
		(ii) State Co-operative Banks	13,51,50,000
(i) Scheduled Commercial Banks	141,51,14,000	(iii) Central Land Mortgage Banks . . . . .	..
(ii) Scheduled State Co-operative Banks	6,99,67,000	(b) Investment in Central Land Mortgage Bank Debentures	8,58,95,000
(iii) Non-Scheduled State Co-operative Banks	83,32,000	Loans and Advances from National Agricultural Credit (Stabilisation) Fund :—	
(iv) Other Banks	19,87,000	Loans and Advances to State Co-operative Banks	5,19,05,000
(c) Others	288,75,07,000	Loans, Advances and Investments from National Industrial Credit (Long Term Operations) Fund:—	
Bills Payable	43,10,80,000	(a) Loans and Advances to the Development Bank	6,26,71,000
Other Liabilities	100,76,75,000	(b) Investment in bonds/debentures issued by the Development Bank . . . . .	..
		Other Assets	42,30,10,000
	Rupees 1068,17,32,000		Rupees 1068,17,32,000

*Includes Cash, Fixed Deposits and Short-Term Securities.

**Excluding Investments from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit (Long Term Operations) Fund.

●Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

†Includes Rs. 124,17,57,000 advanced to scheduled commercial banks against usance bills under Section 17(4)(c) of the Reserve Bank of India Act.

††Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated the 12th day of March, 1969.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 7th day of March, 1969

ISSUE DEPARTMENT

LIABILITIES		ASSETS	
	Rs.	Rs.	
Notes held in the Banking Department	14,59,43,000		Gold Coin and Bullion :—
Notes in circulation	3494,63,97,000		(a) Held in India
			(b) Held outside India
TOTAL NOTES ISSUED		3509,23,40,000	Foreign Securities
			TOTAL
			Rupee Coin
			Government of India Rupee Securities
			Internal Bills of Exchange and other Commercial paper
TOTAL LIABILITIES		3509,23,40,000	TOTAL ASSETS

Dated the 12th day of March, 1969.

L. K. JHA,
Governor.

[No. F. 3(3)-BC/69.]

K. YESURATNAM, Under Secy.

THE MYSORE CENTRAL EXCISE COLLECTORATE, BANGALORE**CUSTOMS***Bangalore, the 4th January 1969*

S.O. 1049.—I, M. C. Das, Collector of Customs, hereby assign the powers specified in Sections of Customs Act, 1962, mentioned in Column 1 of the table below to Officers of Customs specified in the corresponding entry in Column 2 of the said table:

TABLE

(1)	(2)
Section 106 A	All Officers of Customs of and above the rank of Inspectors of Central Excise.

[No. VIII/1/14/68-Cus.]

M. C. DAS, Collector.

OFFICE OF THE COLLECTOR OF CUSTOMS AND CENTRAL EXCISE, COCHIN**CUSTOMS***Cochin, the 17th January 1969*

S.O. 1050.—In pursuance of the provisions of Section 106-A of the Customs Act, 1962 (52 of 1962), I, S. Venkataraman, Collector of Customs and Central Excise, Cochin-3, hereby authorise all officers of Customs of and above the rank of the Inspector of Central Excise to exercise the powers contained in the said section.

[No. I/1969.]

[C. No. VIII/48/1/69-Cus.]

S. VENKATARAMAN, Collector.

OFFICE OF THE ASSISTANT COLLECTOR OF CENTRAL EXCISE, LUCKNOW*Lucknow, the 14th January 1969***SHOW CAUSE NOTICES****TO WHOM IT MAY CONCERN**

S.O. 1051.—Whereas Radiant yarn referred to in the allegations enumerated in the enclosed Annexure, appears to be liable to confiscation under Section 111 of the Customs Act, 1962,

And whereas the owner concerned in view of the allegation contained in the said Annexure appears to be liable to penalty under section 112 of the Customs Act, 1962.

Now, therefore, the owner concerned is hereby required to explain the matter and show cause to the Assistant Collector of Central Excise, Lucknow in writing within one month of the date of issue of this notice, why 230 bobbins of Radiant yarn of Japanese origin should not be confiscated under Section 111(d) read with section 123(2) of the Customs Act, 1962 and why he should not be penalized under section 112(b) of the same Act.

The owner concerned should produce at the time of showing cause all the evidence upon which he intends to rely in support of his defence. He should also indicate in the written explanation whether he does not wish to be heard in person before the case is adjudicated.

If no cause is shown against the action proposed to be taken within one month of the issue of this notice or the owner concerned does not appear before the adjudicating officer which the case is posted for hearing, the case will be decided *ex-parte* on its merits.

ANNEXURE

On receipt of secret information that some contraband goods were booked from Nowgarh Railway Station (On Nepal Border) to Lucknow, a party of Central Excise officers were deputed to keep a strict watch on the goods coming from Nepal side at the Lucknow City Railway Station. While checking the officers found two Gunny wrapped cases which bore nothing except railway marks and Nos. The indications on these two cases agreed with the information and as such these two cases were detained and after waiting for five hours were got opened in the presence of two independent witnesses. The parcel clerk, chief booking clerk and the A.S.M. on duty were also present. The officers of Central Excise recovered 230 bobbins of Japanese Radiant yarn No. 777 in place of 'old medicines' mentioned in the P.W. Bill No. 960372. The case bore the following marks:—

"NUH 0372/P-1/LC" and the parcel weigh Bill was in the name of 'Self' booked by one Shri Ram of Nowgarh.

230 bobbins of Japanese radiant yarn were seized by the Officers of Central Excise in the reasonable belief that they have been imported into India in contravention of Import Regulation and Section 111 of Customs Act, 1962.

3. The import of the above goods is Prohibited (except under a licence) under section 3 of the Import & Export (Control) Act, 1947 as read with the clause 3 of the Import (Control) orders 1955.

4. The aforesaid Prohibition has been in force for a large number of years and the Policy of issuing licences has been extremely restricted.

5. Local enquiries revealed that name 'Shri Ram of Nowgarh' was a faked one.

6. The seized Radiant yarn is dutiable also.

[No. C. 512-VIII(Cus.)15)Seiz/68.]

Lucknow, the 29th January 1969

TO WHOM IT MAY CONCERN

S.O. 1052.—Whereas foreign Gold bar weighing 116.650 gms. referred to in the allegation enumerated in the enclosed Annexure appears liable to confiscation under Section 71 of the Gold Control Act, 1968.

And whereas the owner concerned in view of the allegation, contained in the said Annexure appears liable to penalty under Section 74 of the Gold Control Act, 1968.

Now, therefore, the owner concerned is hereby required to explain the matter and show cause to the Assistant Collector of Central Excise, Lucknow in writing within one month of the date of issue of this notice why the Gold bar of foreign origin weighing 116.650 gms. in respect of which offence has been committed should not be confiscated under section 71 of the Gold Control Act, 1968 and why he should not be penalized under section 74 of the same Act.

The owner concerned should produce at the time of showing cause all the evidence upon which he intends to rely in support of his defence. He should also indicate in the written explanation whether he does not wish to be heard in person before the case is adjudicated.

If no cause is shown against the action proposed to be taken within one month of the issue of this notice or the owner concerned does not appear before the adjudicating officer when the case is posted for hearing, the case will be decided *ex-parte* on its merits.

ANNEXURE

Allegation, against the owner

On the basis of a secret information that a carrier is expected to bring and deliver gold of foreign origin at Lucknow, the officers of Gold unit of Central Excise, Lucknow were directed to keep a strict watch at Aminabad and Chowk area. On 5th January, 1969 the said carrier was spotted by the officers while he was getting down from the City Bus U.P.D. 4434 at Aminabad. The said carrier probably scented the presence of the officers and threw the cotton bag that he was carrying and ran away. The said bag was taken to the shop of M/s. Kundan Lal Jeweller, whose shop was located near by and was got

opened in the presence of independent witnesses. From the said bag a Gold bar bearing foreign marking, "The sheffield smelting Co. Ltd., sheffield and London 9990" weighing 116.650 gms. (10 Tolas) valued at Rs. 2000/- was recovered.

The said Gold bar of foreign origin weighing 116.650 gms. was seized by the officers of Central Excise in the reasonable belief that it has been imported into India in contravention of the provisions of notification No. 12(11) F-1/48, dated 25th August, 1948 and 12(11)F-1/51, dated 27th February, 1951 as amended from time to time issued under section 8(1) of the Foreign Exchange Regulations Act, 1947. The prohibition under these notifications being deemed to have been imposed under section 11 of the Customs Act 1962 is made applicable *vide* Section 160(3)(a) of the customs Act 1962 and also read with section B(1) and section 71(1) of the Gold (Control) Act, 1968.

[No. C 2-V(Gold)(15)Seiz/68/1453.]

S.O. 1053.—Whereas foreign Gold bar weighing 116.650 Gms. appears liable to confiscation under section 111 of the Customs Act, 1962.

And whereas the owner concerned in view of the allegation contained in the said Annexure appears to be liable to penalty under Section 112 of the Customs Act, 1962.

Now therefore, the owner concerned is hereby required to explain the matter and show cause to the Assistant Collector of Central Excise Lucknow in writing within one month of the date of issue of this notice why the seized Gold bar of foreign origin should not be confiscated under section 111 (d) of the Customs Act, 1962 read with Section 123(2) of the said act and why he should not be penalized under Section 112(b) of the same Act.

The owner concerned should produce at the time of showing cause all the evidence upon which he intends to rely in support of his defence. He should also indicate in the written explanation whether he does not wish to be heard in person before the case is adjudicated.

If no cause is shown against the action proposed to be taken within one month of the issue of this notice or the owner concerned does not appear before the adjudicating officer when the case is posted for hearing, the case will be decided *ex-parte* on its merits.

ANNEXURE

Allegation, against the owner

On the basis of a secret information that a carrier is expected to bring and deliver gold of foreign origin at Lucknow, the officers of Gold unit of Central Excise, Lucknow were directed to keep a strict watch at Aminabad and Chowk area. On 5th January, 1969 the said carrier was spotted by the officers while he was getting down from the City Bus U.P.D. 4434 at Aminabad. The said carrier probably scented the presence of the officers and threw the cotton bag that he was carrying and ran away. The said bag was taken to the shop of M/s. Kundan Lal Jeweller, whose shop was located near by and was got opened in the presence of independent witnesses. From the said bag a Gold bar bearing foreign marking, "The sheffield smelting Co. Ltd., sheffield and London 9990" weighing 116.650 gms. (10 Tolas) valued at Rs. 2000/- was recovered.

The said Gold bar of foreign origin weighing 116.650 gms. was seized by the officers of Central Excise in the reasonable belief that it has been imported into India in contravention of the provisions of notification No. 12(11) F-1/48, dated 25th August, 1948 and 12(11)F-1/51, dated 27th February, 1951 as amended from time to time issued under section 8(1) of the Foreign Exchange Regulations Act, 1947. The prohibition under these notifications being deemed to have been imposed under section 11 of the Customs Act 1962 is made applicable *vide* Section 160(3)(a) of the customs Act 1962 and also read with section B(1) and section 71(1) of the Gold (Control) Act, 1968.

[No. C. 2-V(Gold)(15) Seiz/68/1458.]

Lucknow, the 10th March 1969

S.O. 1054.—Whereas Radiant Yarn, Nylon Nylex Crape, Radio Transistors Tctron and Terecot Shirting and Dry Battery Cells referred to in the allegations enumerated in the enclosed Annexure appears to be liable to confiscation under Section 111 of the Customs Act, 1962.

And whereas the owner concerned in view of the allegations contained in the said Annexure appears to be liable to penalty under section 112 of the Customs Act, 1962. Now therefore, the owner concerned is hereby required to explain the matter and show cause to the Assistant Collector of Central Excise, Lucknow in writing within one

month of the date of issue of this notice why the seized goods of foreign origin valued at Rs. 4,424.00 should not be confiscated under Section 111(d) and why he should not be penalized under Section 112(b) of the same Act. He should also discharge onus in respect of seized Radiant yarn, Nylon Cloth, Radio Transistors and Tetron and Terecot shirting under Section 123(2) of the said Act.

The owner concerned should produce at the time of showing cause all the evidence upon which he intends to rely in support of his defence. He should also indicate in his written explanation whether he does not wish to be heard in person before the case is adjudicated.

If no cause is shown against the action proposed to be taken within one month of the issue of this notice or the owner concerned does not appear before the adjudicating Officer when the case is posted for hearing, the case will be decided *ex-parte* on its merits.

ANNEXURE

On receipt of a secret information that a suspect with contraband goods was expected by some train coming to Lucknow, the Preventive Inspector Officer's of Central Excise Lucknow were deputed to keep a strict vigil at Charbagh Railway Station on 8th November, 1968. At the Railway Station the officers got information that one suspected package was being loaded in 31 up train for Kanpur but for some reasons best known to the railway staff the said package was called back. The said consignment was booked as old stationery under P.W. Bill 043677 from Nowgarh Railway Station (Close to Nepal border) to Indore Railway Station and was packed with gunny bags and was suspected to contain contraband goods hence detained by the said preventive officers of Central Excise, Lucknow.

This package was got opened in the presence of two independent witnesses and railway officials as well. 200 bobbins of Radiant yarn, 3 Radio transistors, Nylon Nylax crape, Dry Battery Cells and Tetoron and Terecot cloth (Eynthetic Fabrics) of foreign origin valued at Rs. 4,424.40 were recovered from the said package.

The name of the consignor and consignee was found fake and the contents declared in the railway records were found false. As such these goods of foreign origin as mentioned above were seized by the officers of Central Excise in the reasonable belief that they have been imported into India in contravention of Import regulations and Section III of the Customs Act, 1962.

The import of the above goods is prohibited (except under a licence) under Section 3 of the Import and Export (Control) Act, 1947 as read with clause 3 of the Import (Control) orders, 1965.

The aforesaid Prohibition has been in force for a large number of years and the policy of issuing licences has been extremely restricted.

The seized goods are dutiable also.

[No. C. 559-VIII(Cus)(15)Seiz/68/3953.]

S.O. 1055.—Whereas Radiant Yarn referred to in the allegations enumerated in the enclosed Annexure appears to be liable to confiscation under section 111 of the Customs Act, 1962

And whereas the owner concerned in view of the allegations contained in the said Annexure appears to be liable to penalty under Section 112 of the Customs Act, 1962.

Now, therefore, the owner concerned is hereby required to explain the matter and show cause to the Assistant Collector of Central Excise, Lucknow in writing within one month of the date of issue of this notice, why 170 bobbins of Radiant Yarn of Japanese origin valued at Rs. 4250.00 should not be confiscated under Section 111(d) read with Section 123(2) of the Customs Act, 1962 and why he should not be penalized under Section 112(b) of the same Act.

The owner concerned should produce at the time of showing cause all the evidence upon which he intends to rely in support of his defence. He should also indicate in the written explanation whether he does not wish to be heard in person before the case is adjudicated.

If no cause is shown against the action proposed to be taken within one month of the issue of this notice or the owner concerned does not appear before the adjudicating Officer when the case is posted for hearing, the case will be decided *ex-parte* on its merits.

ANNEXURE

On receipt of a secret information that some contraband goods packed in wooden cases were booked from Nowgarh Railway Station (On Nepal Border) to Lucknow, a party of Central Excise, Officers were deputed to keep a strict watch on the goods coming from Nepal side at Lucknow City Railway Station. On 30th October, 1968, the Officers noticed that a few suspected persons got down from 185 up passenger train coming from Nepal Border and proceeded towards the brake van. The suspected persons scenting the presence of the officers of Central Excise slipped away. On examining the packages, the Officers suspected two packages and detained them. Afterwards these packages were got opened in the presence of two independent witnesses, parcel Clerk, Chief booking Clerk and the Assistant Station Master on duty. From one of the package which was a wooden case wrapped with Gunny bags recovered 170 bobbins of Radiant Yarn of Japanese origin valued at Rs. 4250.00 in place of old medicine declared on the parcel way Bill No. 960373. This package bore the following markings.

"NUH 3073/P-1/LC" and the parcel way Bill bore the name or the consigner as Mahmood Ali of Nowgarh and consignee as "Self". Enquiries made revealed that the name Mahmood Ali of Nowgarh was a faked one.

170 bobbins of Radiant Yarn of Japanese origin were seized by the Officers of Central Excise in the reasonable belief that they have been imported into India in contravention of Import Regulation and Section 111 of the Customs Act, 1962.

3. The import of the above goods is prohibited (except under a licence) under Section 3 of the Import and Export (Control) Act, 1947 as read with clause 3 of the Import (Control) orders 1955.

4. The aforesaid prohibition has been in force for a large Number of years and the Policy of issuing licences has been extremely restricted.

5. The seized Radiant Yarn is dutiable also.

[No. C. 513-VIII(Cus)(15)Seiz/68/3958.]

Lucknow, the 12th March, 1969

S.O. 1056.—Whereas seized goods referred to in the allegations enumerated in the enclosed Annexure appears to be liable to confiscation under Section 111 of the Customs Act, 1962.

And, whereas the owner concerned in view of the allegations contained in the said Annexure appears to be liable to penalty under Section 112 of the Customs Act, 1962.

Now, therefore, the owner concerned is hereby required to explain the matter and show cause to the Assistant Collector of Central Excise, Lucknow in writing within one month of the date of issue of this notice, why 51 yards of terrylene cloth and 150 yards of terrycot cloth made in Japan valued at Rs. 1500/- should not be confiscated under Section 111(d) read with Section 123(2) of the Customs Act, 1962 and why he should not be penalized under section 112 (b) of the same Act.

The owner concerned should produce at the time of showing cause all the evidence upon which he intends to rely in support of his defence. He should also indicate in the written explanation whether he does not wish to be heard in person before the case is adjudicated.

If no cause is shown against the action proposed to be taken within one month from the date of issue of this notice or the owner concerned does not appear before the adjudicating officer when the case is posted for hearing the case will be decided *ex-parte* on its merits.

ANNEXURE

On 15th November, 1968, during the course of checking up of the train coming from Gauriphanta to Pallia, the Inspector of Central Excise Gauriphanta came across a bedding kept in the First Class compartment. Being suspicious the said Inspector of Central Excise enquired for its owner but no one in the compartment claimed its ownership. At Dudhwa Railway Station, the Officer took the possession of the said bedding. It was got opened in the presence of two independent witnesses and recovered from it 51 yards of Terrylen cloth and 150 yards of Terrycot cloth made in Japan valued at Rs. 1500/-. No one came forward to claim the said goods and as such they were seized by the Inspector of Central Excise in the reasonable belief that they were being brought into India in contravention of the Import regulations and Section 111 of the Customs Act, 1962 read with Section 123 of the same Act.

2. The import of the above goods is prohibited (except under a licence) under Section 3 of the Import and Export (Control) Act, 1947 as read with clause 3 of the Import (Control) Orders, 1955.

3. The aforesaid Prohibition has been in force for a large number of years and policy of issuing licences has been extremely restricted.

4. The seized goods are dutiable.

[No. C. 558-VIII(Cus)(15)Seiz/68/4063.]

B. K. DOSHI, Asstt. Collector.

CENTRAL EXCISE COLLECTORATE, ALLAHABAD

CORRIGENDUM

Allahabad, the 27th November 1968

S.O. 1057.—The following addition may be made in the Collectorate Notification No. 4-CE/68 dated 20th September, 1968 issued from this office endt. C. No. V(a) 315-Stt/68, dated 25th September, 1968.

1. The existing entries in serial No. 16(a) of the Notification may be read as against Serial No. 15(d).
 2. Against serial No. 15(d) "Pargana Pihani" in line 2 of column 2 on page 2 may be corrected as under Shahabad Tehsil instead of Hardoi Tehsil.
 3. The word "Village Paterwara" in line 2 of col. 2 on page 2 against serial No. 22 may be corrected as village Pakwara.
 4. The following fresh entries as against serial No. 16 may be inserted in the Notification:
- | | | |
|---|---|----|
| 16(a) Entire Tehsil Bilari, Amroha and Hasanpur of Moradabad district | 4 | 60 |
| (b) Entire Bijnor District. | 4 | 60 |
| (c) Entire Rampur district except Saur Tehsil of Rampur Distt. | 4 | 60 |

[No. C. V(a) 315-Stt/68.]

M. N. MATHUR, Collector.

MINISTRY OF COMMERCE

(Office of the Joint Chief Controller of Imports and Exports)

ORDER

Bombay, the 9th January 1969

S.O. 1058.—A licence No. P/SS/1560863, dated 30th October 1967 of the value of Rs. 14,445/- for import of Zinc, Tin was issued to Messrs. Rashmi Industries, Rural Works Shed, Station Road, Harsood, Madhya Pradesh.

2. Thereafter, a show cause notice No. 1/90/68/AU/Enf./3670, dated 3/21 July, 1968 was issued asking them to show cause within 15 days as to why the said licence in their

favour should not be cancelled in terms of Clause 9, sub-clause (cc) on the ground that they had not produced any record of utilization of one ton of Tin allotted to them by the Deputy Director of Industries, Khandwa in 1967 and that they have also not declared arrivals of any materials from imports nor produced them for inspection by that office. They have been continuously failing to respond to any of the communications addressed to them by that office.

3. Messrs. Rashmi Industries, Rural Works Shed, Station Road, Harsood, Madhya Pradesh have not come forward with sufficient reasons nor have they sent any communication in reply to the aforesaid Show Cause Notice.

4. The undersigned has carefully examined the case and has come to the conclusion that the said licence No. P[SS]1560863, dated 30th October, 1967 will not serve the purpose for which it was granted.

5. Having regard to what has been stated in the preceeding paragraph, the undersigned is satisfied that the licence in question should be cancelled or otherwise rendered ineffective. Therefore, the undersigned, in exercise of the powers vested in him under Clause 9 sub-clause (cc) of the Imports (Control) Order, 1955 hereby cancel the licence No. P[SS]1560863, dated the 30th October, 1967 for Rs. 14,445/- issued in favour of Messrs. Rashmi Industries, Rural Works Shed, Station Road, Harsood, Madhya Pradesh.

[No. 1/90/68-/AU/Enf./6336.]

B. C. BANERJEE,

Deputy Chief Controller of Imports & Exports.

(Office of the Chief Controller of Imports and Exports)

ORDER

New Delhi, the 18th January 1969

S.O. 1059.—M/s. Oil India Limited, Calcutta-1 were granted the undermentioned import licences for the values mentioned against each.

S. No.	Import Lic. No. and Date	Value
1.	P/A/1298764 Dt. 21-8-68	Rs. 1,76,500/-.
2.	P/A/1298762 Dt. 21-8-68	1,200/-.
3.	P/A/1295856 Dt. 26-6-68	1,600/-.
4.	P/A/1295855 Dt. 20-6-68	12,300/-.
5.	P/A/1293457 Dt. 1-6-68	900/-.
6.	P/A/1293464 Dt. 6-6-68	31,000/-.
7.	P/A/1293455 Dt. 23-5-68	2,800/-.
8.	P/A/1290699 Dt. 9-5-68	34,000/-.
9.	P/A/1293453 Dt. 18-5-68	13,650/-.
10.	P/A/1290694 Dt. 27-4-68	1,22,800/-.

They have applied for the issue of duplicate copies of Custom Purposes copies of the above mentioned licences on the ground that the original custom purposes copies have been lost/misplaced. They have further stated that the Custom Purposes copies were not utilised.

2. In support of their contention, the applicant have filed affidavits for each licence. I am accordingly satisfied that the original Custom Purposes copy of the said licences have been lost. Therefore in exercise of the powers conferred under sub-clause 9(cc) of the import (Control) Order 1955 dated 7th December, 1955 as amended, the above mentioned licences (Custom Purposes only) are hereby cancelled.

3. Duplicate copies of Custom Purposes copies of the above mentioned licences are being issued separately to the licensee.

Particulars of cancelled licences are as follows :—

S. No.	File Number	Licence No. & Date	Issued by	I.T.C. No.	Description of goods	Country of Shipment	Valid upto	Value (Rs.)	Value already utilised
1	33/Cap/Oil/68-69/ML.II	P/A1298764/- 21-8-68.	CSSSISL	17/II/C/I.	Seamless Steel Pipe line	U.K.	30-8-69	1,76,500	Nil
2	32/Cap/Oil/68-69/ML.II.	P/A/1298762/- 21-8-68.	Do.	22/A & B Part I.	Machine Screws Bolted & Nuts etc.	G.C.A.	31-8-69	1,200	Nil
3	24/Cap/Oil/68-69/ML-II.	P/A/1205856/- 26-6-68.	Do.	22/B/V & 78/III/V.	Chemicals & Electrical in- struments.	U.K.	30-6-69	1,600	Nil
4	21/Cap/Oil/68-69/ML.II	P/A/1205855/- 20-6-68	Do.	20/I/B/II	Spares for Landis Pipe threading Mach.	U.S.A.	30-6-69	12,300	Nil
5	20/Cap/Oil/68-69/ML.II	P/A/1293457/- 1-6-66	Do.	32/A/II.	Spares for Addo Mach.	U.K.	30-6-69	900	Nil
6	19/Cap/Oil/68-69/ML.II	P/A/1203464/ 6-6-68	Do.	30/F/II	Nozal for Allen Diesel Engine.	U.K.	30-6-69	31,100	Nil.
7	18/Cap/Oil/68-69/ML.II	P/A/1203455/- 23-5-68.	Do.	34/C/II.	Pump spares.	U.S.A.	31-5-69	2,800	Nil
8	13/Cap/Oil/68-69/ML-II	P/A/1200699/- 9-5-68.	Do.	65/I/IV/V.	Oil well drilling equipment	U.S.A.	31-5-69	34,000	Nil.
9	16/Cap/Oil/68-69/ML.II	P/A/1293453/- 18-5-68.	Do.	86/V and others.	Spares for engine etc.	G.C.A.	31-5-69	13650	Nil.
10	6/Cap/Oil/68-69/ML.II	P/A/1290694/- 27-4-68.	Do.	92/N/V & others.	Oil well equipment & Machinery.	G.C.A.	30-4-69	1,22,800	Nil.

V. N. MEHROTRA,
Assistant Controller,
for Chief Controller of Imports and Exports.

[No. 33/Cap/Oil/68-69/ML.II]

S. K. USMANI,
Deputy Chief Controller of Imports & Exports.

**(Office of the Joint Chief Controller of Imports & Exports)
(Central Licensing Area)**

ORDERS

New Delhi, the 24th February 1969

S.O. 1060.—Licences Nos. (1) P/SS/1611153, dated 2nd May, 1968 for Rs. 1,24,831/-; (2) P/SS/1611154, dated 2nd May, 1968 for Rs. 50,000/- and (3) P/SS/1611155, dated 2nd May, 1968 for Rs. 2,87,164/- for import of Drugs and Medicines were issued to Messrs. Gurco Pharma Pvt. Ltd., No. 35, M-Block, Connaught Circus, New Delhi and subsequently they obtained endorsement for the import of three restricted items, viz., Phenacetin, Sulphaguanidine and Tetracyclin Hydrochloride on 18th May, 1968 on these licences.

2. Thereafter, a show cause notice No. G-20/68|ENF|CLA|11115, dated 28th January, 1969 was issued asking them to show cause within 15 days as to why the said licences issued in their favour should not be amended to restrict the import of abovesaid three items, viz., Phenacetin, Sulphaguanidine and Tetracyclin Hydrochloride upto value of Rs. 5,000/- for each of the items, as per policy, as the value restriction had not been given inadvertently while including these items in the licences, in terms of Clause 7 of the Imports (Control) Order dated 7th December, 1955, as amended.

3. In response to the aforesaid show cause notice, Messrs. Gurco Pharma Pvt. Ltd., No. 35, M-Block, Connaught Circus, New Delhi, have by their letters dated 31st January 1969 and 14th February, 1969 furnished detailed explanation. In their said reply the firm have contended that the said endorsement has been made correctly as these licences relate to AM-68 licensing period.

4. The undersigned has carefully examined the said representation and has come to the conclusion that the said endorsement has been made during AM-69 licensing period and as such these items can be imported upto Rs. 5,000/- each, as per policy during AM-69 licensing period.

5. Having regard to what has been stated in the preceding paragraph, the undersigned is satisfied that the licences in question should be amended. Therefore, the undersigned, in exercise of the powers vested in him under Clause 7 of the Imports (Control) Order, 1955, dated 7th December, 1955, as amended, hereby amend the licences Nos. (1) P/SS/1611153, dated 2nd May, 1968 for Rs. 1,24,831/-; (2) P/SS/1611154, dated 2nd May, 1968 for Rs. 50,000/- and (3) P/SS/1611155, dated 2nd May, 1968, for Rs. 2,87,164/- issued in favour of Messrs. Gurco Pharma Pvt. Ltd., No. 35, M-Block, Connaught Circus, New Delhi to restrict the import of Phenacetin, Sulphaguanidine and Tetracyclin Hydrochloride to the extent of Rs. 5,000/- for each of these items.

[No. G-20/68|ENF|CLA|12234.]

New Delhi, the 5th March 1969

S.O. 1061.—A licence No. P/SS/0163605/C, dated 22nd August, 1968 of the value of Rs. 2641/- for import of Cartridge Cases filled or empty was issued to Messrs National Stores, 13-B, Connaught Place, New Delhi and was sent to them by registered post.

It has been reported by the said firm that they have not received the said licence upto now. It therefore appears to have fallen into wrong hands and the undersigned is satisfied that the licence in question should be cancelled or otherwise rendered ineffective. Therefore, the undersigned in exercise of the powers vested in him under Clause 9 sub-clause (cc) of the Imports (Control) Order, 1955, hereby cancel the licence No. P/EI/0163605/C, dated 22nd August, 1968 for Rs. 2641/- issued in favour of Messrs. National Stores, Connaught Place, New Delhi.

[No. N-17/68|ENF|CLA-12410.]

S.O. 1062.—A licence No. P/SS/1606554/C, dated 12th May, 1967 of the value of Rs. 16,000/- for import of Acrylic Plastic Sheets was issued to Messrs Indo Export Industries, 4-A, Anand Parbat Estate, New Rohtak Road, New Delhi.

2. Thereafter, a show cause notice No. I-9/68|ENF|CLA|10917, dated 24th January, 1969 was issued asking them to show cause within 15 days as to why the said licence in their favour should not be cancelled on the ground that the Central Government is satisfied that the licence will not serve the purpose for which it was issued in terms of clause 9, sub-clause (cc) of the Imports (Control) Order, 1955 as amended, as they were not in existence.

3. The notice sent to them has been received back undelivered with the remarks of the Postal Authorities "Avoids to take delivery".

4. Having regard to what has been stated in the preceding paragraph, the undersigned is satisfied that the licence in question should be cancelled or otherwise rendered ineffective. Therefore, the undersigned, in exercise of the powers vested in him under Clause 9, sub-clause (cc) of the Imports (Control) Order, 1955, as amended hereby cancel the licence No. P|SS|1606554|C, dated 12th May, 1967 for Rs. 16,000/- issued in favour of Messrs. Indo Export Industries, 4-A, Anand Prabhat Estate, New Rohtak Road, New Delhi.

[No. I-9/68/ENF/CLA/12498.]

RAM MURTI SHARMA,

Jt. Chief Controller of Imports and Exports.

(Office of the Chief Controller of Imports and Exports)

ORDER

New Delhi, the 10th March 1969

S.O. 1063.—Messrs. Bombay Chemicals Private Limited, 129, Mahatma Gandhi Road, Bombay-1, were granted licence No. P/D/2164201, dated 28th June, 1968 from G.C.A. under 4th I.D.A. Credit for the imports of raw materials valued Rs. 12,32,000/-. They have requested for the issue of duplicate customs purposes copy of the licence on the ground that the original customs purposes copy of the licence has been lost by them. It has been further reported by the licensee that the licence was lost after utilising to the extent of Rs. 6,91,428/-. The licence has been registered with the Collector of Customs, Bombay.

2. In support of their contention, the applicant have filled an affidavit. The undersigned is satisfied that the original Customs purpose copy of the licence No. P/D|2164201|S, dated 28th June, 1968, has been lost and directs that a duplicate Customs purposes copy of the said licence should be issued to them. The original Customs purposes copy is cancelled.

3. The duplicate customs purposes copy of the licence is being issued separately.

[No. CH|507|67-68|B.3(32)|R.M.3|3028.]

T. M. B. NEDUNGADI,

Joint Chief Controller of Imports & Exports.

(Office of the Jt. Chief Controller of Imports and Exports)

ORDER

Calcutta, the 13th March 1969

S.O. 1064.—A licence No. P|S|1628992|C|XX|27|C|25-26, dated 12th June, 1968 of the value of Rs. 800/- for import of cellulose Nitrate Sheets and Cellulose Butyrate Powder was issued to Messrs. Bar Optical and Anodize Co., Dattabad, South Dum Dum, Calcutta-48, subject to the conditions as under :—

all items imported under it shall be used only in the licence holder's factory at the address shown in the application against which the licence is issued and no portion thereof will be utilised by the licensee for a unit/purpose other than the one for which the licence in question is issued, or will be sold or permitted to be utilised by any other party. The licensee shall maintain proper account of consumption and utilisation of the goods imported against the licence.

2. Thereafter, a show cause notice No. 114|68|E&L, dated 29th January, 1969 was issued asking them to show cause within 15 days as to why the said licence in their favour should not be cancelled on the ground that the factory of the firm is not working during the past four months in terms of Clause 9, sub-clause (cc).

3. No response to the aforesaid show cause notice has been received from Messrs. Bar Optical and Anodize Co., Calcutta within scheduled time.

4. The undersigned has carefully examined the case and has come to the conclusion that the purpose for which the licence in question has been issued would not be served.

5. Having regard to what has been stated in the preceeding paragraph, the undersigned is satisfied that the licence in question should be cancelled or otherwise rendered ineffective. Therefore, the undersigned, in exercise of the powers vested in him under Clause 9, sub-clause (cc) of the Imports (Control) Order, 1955, hereby cancel the licence No. P|S| 1628992|C|XX|27|C|25-26, dated 12th June, 1968 for Rs. 800/- issued in favour of Messrs. Bar Optical and Anodize Co., Dattabad, South Dum Dum, Calcutta-48.

[No. 114|68|E&L.]

J. MUKHERJI,

Deputy Chief Controller of Imports & Exports.

MINISTRY OF INDUSTRIAL DEVELOPMENT AND COMPANY AFFAIRS

(Department of Industrial Development)

New Delhi, the 19th February 1969

S.O. 1065.—In exercise of the powers conferred by Section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following amendment in the Order of the Government of India in the late Ministry of Commerce and Industry S.O. No. 2233, dated the 13th September, 1960, namely:—

In the said Order, the following Explanation shall be added at the end, namely:—

'Explanation.—For the purposes of this Order "Cinema Carbon" means imported carbon used in projectors in cinemas, studios or laboratories.'

[No. 2(45)/60-LEEL.]

N. SIVARAMAN, Under Secy.

MINISTRY OF INDUSTRIAL DEVELOPMENT, INTERNAL TRADE AND COMPANY AFFAIRS

(Department of Industrial Development)

ORDER

New Delhi, the 11th March 1969

S.O. 1066/RLIUR/18.—In pursuance of rule 18 of the Registration and Licensing of Industrial Undertakings Rules, 1952, and in partial modification of the Order of the Government of India in the Ministry of Industrial Development and Company Affairs (Department of Industrial Development) No. S.O. 276/RLIUR/18/1, dated the 8th January, 1968, as amended vide their Order No. S.O. 1797/RLIUR/18 dated the 15th May, 1968, the Central Government hereby appoints Shri J. M. Parsons, President of the Associated Chambers of Commerce and Industry of India, Calcutta to be a member of the Reviewing Sub-committee of the Central Advisory Council of Industries till the 3rd November, 1969, in place of Shri N. M. Wagle.

[No. 11(3)Lic.Pol/67.]

R. C. SETHI, Under Secy.

(Department of Industrial Development)

ORDER

New Delhi, the 13th March 1969

S.O. 1067.—In exercise of the powers conferred by Section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951), read with Rule 5(1) of the Development Councils (Procedural) Rules, 1952, the Central Government hereby nominate till the 22nd January, 1970, Sarvashri S. C. Banerjee Industrial Adviser (Engg.), Directorate General of Technical Development, Ministry of Industrial Development, Internal Trade and Company Affairs, Manibhai J. Patel, Member Lok Sabha and Shri H. K. Ghose, Bird and Company (Private) Limited, Calcutta to be Members of the Development Council, established by the Order of the Government of India in the erstwhile Ministry of Industrial Development and Company Affairs. (Department of Industrial Development) No. 415 dated the 23rd

January, 1969 for the scheduled industries engaged in the manufacture or production of Textile Machinery and directs that the following amendment shall be made in the said Order, namely:—

In the said Order, after entry No. 18 relating to Dr. U. Bhattacharya, the following entries shall be made, namely:—

19. Shri S. C. Banerjee, Industrial Adviser (Engg.), Directorate General of Technical Development, Ministry of Industrial Development, Internal Trade and Company Affairs, New Delhi.
20. Shri Manibhai, Member, Lok Sabha, New Delhi
21. Shri H. K. Ghose, Bird and Co. (Private) Ltd., Calcutta.

[No. 2-49/68-MEI]

R. V. SUBRAHMANYAN, Jt. Secy.

औद्योगिक विकास, आन्तरिक व्यापार तथा समवाय-कार्य मंत्रालय

(औद्योगिक विकास विभाग)

आदेश

नई दिल्ली, 13 मार्च, 1969

एस० ओ० 1068.—उद्योग (विकास तथा विनियमन) अधिनियम, 1951 (1951 का 65) की धारा 6 के द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए तथा विकास परिषदें (कार्यविधि) नियम, 1952 के नियम 5(1) के साथ पढ़ते हुए केन्द्रीय सरकार एतद्वारा सर्वश्री एस० सी० बनर्जी, औद्योगिक सलाहकार (इंजी०) तकनीकी विकास का महानिदेशालय, औद्योगिक विकास, आन्तरिक व्यापार तथा समवाय-कार्य मंत्रालय, श्री मणिभाई जे० पटेल, सदस्य लोक सभा तथा श्री एच० के० घोष बर्ड एण्ड कम्पनी (प्रा०) लिमिटेड कलकत्ता को 22 जनवरी, 1970 तक के लिए भारत सरकार के भूतपूर्व औद्योगिक विकास तथा समवाय-कार्य मंत्रालय (औद्योगिक विकास विभाग) के आदेश सं० 415 दिनांक 23 जनवरी, 1969 के द्वारा स्थापित सूती वस्त्र मशीनों के निर्माण या उत्पादनरत उद्योगों की विकास परिषद् का सदस्य नियुक्त करती है और निवेश देती है कि उपर्युक्त आदेश में निम्नलिखित संशोधन किया जायेगा, अर्थात्:—

उपर्युक्त आदेश में, डा० यू० भट्टाचार्य से सम्बन्धित प्रविष्टि संख्या 18 के पश्चात् निम्नलिखित प्रविष्टियाँ की जायेंगी, अर्थात्:—

19. श्री एस० सी० बनर्जी,
औद्योगिक सलाहकार (इंजी०) तकनीकी विकास का महानिदेशालय, औद्योगिक विकास, आन्तरिक व्यापार तथा समवाय-कार्य मंत्रालय, नई दिल्ली ।
20. श्री मणिभाई जे० पटेल,
सदस्य लोक सभा, नई दिल्ली ।
21. श्री एच० के० घोष,
बर्ड एण्ड क० (प्रा०) लि०, कलकत्ता ।

[सं० 2-49/68-एम० ई० आई०]

आर० वी० सुब्रह्मण्यन्
संयुक्त सचिव ।

MINISTRY OF TRANSPORT AND SHIPPING**(Directorate General of Shipping)****MERCHANT SHIPPING***Bombay, the 28th January 1969*

S.O. 1069.—In exercise of the powers conferred by sub-section (2) of section 8 of the Merchant Shipping Act, 1958 (44 of 1958), read with the Order of the Government of India in the late Ministry of Transport and Communications No. S.O. 771, dated the 7th March, 1962 and in supersession of the Notification No. S.O. 4134, dated the 7th November, 1968, the Director-General of Shipping hereby appoints Shri S. Rajagopal, Nautical Surveyor as the officer who shall be incharge of the office of the Mercantile Marine Department at the port of Marmugao.

This notification shall be deemed to have come into force on the 22nd day of January, 1969.

[No. 130-SH(52)/61.]

K. C. MADAPPA,
Director-General of Shipping.

(Transport Wing)**MERCHANT SHIPPING***New Delhi, the 10th March 1969*

S.O. 1070.—In exercise of the powers conferred by section 5 of the Seamen's Provident Fund Act, 1966 (4 of 1966), read with paragraph 3 of the Seamen's Provident Fund Scheme, 1966, the Central Government hereby makes the following amendment in the notification of the Government of India in the late Ministry of Transport and Aviation, Department of Shipping and Tourism (Transport Wing) No. S.O. 2878 dated the 20th September, 1966, namely :—

In the said notification, under the heading "Members", for Serial Nos. 4 and 5, and the entries relating thereto, the following serial Nos. and entries shall be substituted, namely:—

4. Chairman, Owners/Agents' Committee (Crews), Bombay, Employers' Representative.
5. Chairman, Calcutta Liners' Conference (Crews), Calcutta, Employers' representative.

[No. 5-MT(15)/68.]

RAM KISHORE, Under Secy.

MINISTRY OF TOURISM AND CIVIL AVIATION*New Delhi, the 12th March 1969*

S.O. 1071.—In exercise of the powers conferred by section 4 of the Air Corporations Act, 1953 (27 of 1953) the Central Government hereby appoints, with immediate effect, Shri N. Khosla, Joint Secretary Ministry of Tourism and Civil Aviation, as a Member of Air-India and Indian Airlines, *vice* Shri J. N. Goyal resigned.

[No. 3-AC(6)/69.]

T. ARUMUGHAM, Dy. Secy.

पर्यटन तथा नागर विमानन मंत्रालय

नई दिल्ली, 12 मार्च, 1969

एच० ओ० 1072.—वायु निगम अधिनियम, 1953 (1953 का 27) की धारा 4 द्वारा दिये गये अधिकारों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा श्री एन० खोसला, संयुक्त सचिव, पर्यटन तथा नागर विमानन मंत्रालय को तत्काल इसी समय से श्री जे० एन० गोयल के स्थान पर, जिन्होंने त्यागपत्र दे दिया है, एयर इण्डिया और इण्डियन एयरलाइन्स का सदस्य नियुक्त करती है।

[सं० 3-ए० सी० (6)/69]

टी० आरमुगम, उप सचिव।

MINISTRY OF PETROLEUM AND CHEMICALS AND MINES AND METALS

(Department of Mines and Metals)

New Delhi, the 7th March 1969

S.O. 1073.—In exercise of the Powers conferred by sub-section (1) of section 1 of the Coal Mines (Conservation and Safety) Act, 1952 (12 of 1952) read with rule 20 of the Coal Mines (Conservation and Safety) Rules, 1954, the Central Government hereby makes the following amendments in the notification of the Government of India in the erstwhile Ministry of Steel, Mines and Metals (Department of Mines and Metals) No. S.O. 1555, dated the 25th September, 1968, namely :—

In the said notification, for the items "2. Deputy Chief Inspector of Mines, Dhanbad nominated by the Chief Inspector of Mines)" and "5. Area General Manager, National Coal Development Corporation Ltd., Ranchi", the following items shall respectively be substituted, namely :—

"2. The Chief Inspector of Mines or his nominee.

5. A nominee of the National Coal Development Corporation Ltd., Ranchi."

[No. C3-4(3)/67.]

V. K. HARURAY, Under Secy.

(Deptt. of Petroleum)

New Delhi, the 11th March 1969

S.O.1074.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum from the drill sites well No. 70 (X) to GGS V in the Kalol Oil Field, in Gujarat State, Pipelines should be laid by the C & Natural Gas Commission and that for the purpose of laying such Pipelines, it is necessary to acquire the Right of User in the land described in the schedule annexed thereto.

2. Nowtherefore, in exercise of the powers conferred by Sub-Section (i) of the Section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

3. Any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipelines under the land to the Competent Authority, at Western Region, Shed No. 27, Makarpura Road, Near Central Workshop, Baroda-4, in the Office of the C. & M. Division (Oil & Natural Gas Commission), Baroda. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

for laying pipeline from Well No. 70 (K.X.) to G.G.S.V.

State: Gujarat

Taluka: Kalol

Dist. : Mehsana

Village	S. No.	Hectare	Are	P. Are.
I	2	3	4	5
Ola	135	0	10	42
	167	0	5	56
	166	0	4	55
	V.P. Cart Track	0	0	50
	160/1	0	1	00
	158/1	0	6	17
	153/P	0	12	14

I	2	4	4	5
Ola (contd.)	153/P	0	7	28
	V.P. Cart Track	0	0	50
	434	0	13	25
	433/2	0	2	75
	435	0	4	45
	V.P. Cart Track	0	1	31
	528/1/B	0	10	01
	528/1/A	0	2	00
	527/2	0	1	00
	527/3	0	4	55
	526/2	0	6	77
	524/1	0	5	66
Issand	564	0	12	3:
	559	0	1	9
	558	0	6	1
	554/3	0	6	1
	554/1	0	5	1
	554/4	0	2	2
	554/2	0	4	5
	551	0	9	11
	552	0	2	82
	573/P.	0	3	44
	573/P.	0	3	64
	573/P.	0	1	61
	573/P.	0	1	61
	572	0	9	11
	571/9	0	5	46
	571/5	0	4	05
	571/4	0	1	00
	641	0	11	53
	642/2	0	6	97
	642/1	0	1	31
	643	0	2	32
	668	0	13	95
	567/2	0	4	75
	671	0	6	27
	676	0	13	65
	681	0	0	65
	682	0	1	00

[No. 20/3/67-IC/Lab.(1).]

S.O. 1075.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum from the oil sites well No. K.49 to GGC VI in the Kalol Oil Field, in Gujarat State, Pipelines should be laid by the Oil & Natural Gas Commission and that for the purpose of laying such Pipelines, it is necessary to acquire the Right User in the land described in the schedule annexed thereto.

2. Now, therefore, in exercise of the powers conferred by Sub-Section (of the Section. 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 192 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

3. Any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipelines under the land to the Competent Authority, at Western Region, Shed No. 27, Makarpura Road, Near Central Workshop, Baroda-4, in the Office of the C. & M. Division (Oil & Natural Gas Commission), Baroda. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

For laying pipeline from well No. K-49 to GGS VI (function point of line from G.G.S. III)

State : Gujarat

Taluka : Kadi

Distt : Mehsana

Village	Serial No.	Hectare	Arc.	P. Arc.
Ambavpura.	100	0	18	0
	107	0	14	0
	105/2	0	27	6
	14/4	0	1	0
	103	0	1	0
	Cart Track	0	1	4
	13/4	0	16	0
	13/2 & 3	0	12	6
	13/1	0	7	0
	12	0	12	6
	11	0	9	0
	10	0	8	0
	39/5	0	2	2
	30/1	0	0	5
	Cart Track	0	1	0
	7	0	11	0
	47/1 & 2	0	10	3
	48.	0	0	3
	50	0	3	4
	49/1	0	6	2
	49/2	0	8	8
	54/1	0	0	2
	53/3	0	1	7
	53/1	0	6	4
	62/2	0	7	2
	67	0	8	8
	64/3	0	5	6
	63	0	0	4
	64/2	0	3	9
	64/1	0	0	8
	66/1	0	5	9
	66/2	0	0	7
	68	0	24	6
Zulasan	557	0	4	8
Chadasan	416	0	68	8

[No. 20/3/67-IOC/Lab.(2).]

S.O. 1076.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum from the drill sites well No. KGH (104) to KHP-98 to GGS VI in the Kalol Oil Field, in Gujarat State, Pipelines should be laid by the Oil & Natural Gas Commission and that for the purpose of laying such Pipelines, it is necessary to acquire the Right of User in the land described in the schedule annexed thereto.

2. Now, therefore, in exercise of the powers conferred by Sub-Section (i) of the Section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

3. Any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipelines under the land to the Competent Authority, at Western Region, Shed No. 27, Makarpura Road, Near Central Workshop, Baroda-4, in the Office of the C. & M. Division (Oil & Natural Gas Commission), Baroda. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

Laying pipeline from well No. K. G.H. (104) to K.H.P. (98) to GGS VI.

State : Gujarat

Taluka : Kadi

Distt : Mehsana

Village	Serial No.	Hectare	Are.	P. Arc.
Ambavpura	78/1/A	0	19	31
	31/9	0	2	12
	31/6+7	0	4	15
	31/5	0	2	92
	31/4/P.	0	3	84
	31/4/P.	0	1	00
	72/P.	0	28	83
	72/P.	0	6	07
	74	0	3	5
	68 V.P. Gauchar land	0	2	92

[No. 20/3/67-IOC/Lab.(3).]

S.O. 1077.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum from the drill sites well No. 94 (KFS) to GGS V in the Kalol Oil Field, in Gujarat State, Pipelines should be laid by the Oil & Natural Gas Commission and that for the purpose of laying such Pipelines, it is necessary to acquire the Right of User in the land described in the schedule annexed thereto.

2. Now, therefore, in exercise of the powers conferred by Sub-Section (i) of the Section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

3. Any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipelines under the land to the Competent Authority, at Western Region, Shed No. 27, Makarpura Road, Near Central Workshop, Baroda-4, in the Office of the C. & M. Division (Oil & Natural Gas Commission), Baroda. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

For laying pipelines from well No. 94 (K.F.S.) to G.G.S. (V)

State : Gujarat

District : Mehsana

Taluka : Kalol

Village	Serial No.	Hectare.	Are.	P. Are.
1	2	3	4	
Isand	698/4	0	4	05
	699	0	1	40
	698/2	0	9	98
	697	0	6	17
	696	0	6	20
	695	0	4	10
	V. P. Cart tract.	0	1	11
	629/paiki	0	2	02
	629/paiki	0	5	86
	629/paiki	0	6	27
	631/paiki	0	11	13
	631/paiki	0	5	56
	685/5	0	4	05
	685/4	0	4	15
	685/3	0	2	02

1	2	3	4	5
	678/2	0	2	72
	678/1	0	4	95
	678/7	0	5	96
	678/8	0	1	00
	680/paiki	0	3	64
	681	0	4	75
	682	0	4	75
	680/paiki	0	4	05

[No. 20/3/67-IOC/Lab.(4).I]

S.O. 1078.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum from the drill sites well No. 45 (KCT) to G.G.S. V in the Kalol Oil Field, in Gujarat State, Pipelines should be laid by the Oil & Natural Gas Commission and that for the purpose of laying such Pipelines, it is necessary to acquire the Right of User in the land described in the schedule annexed thereto.

2. Now, therefore, in exercise of the powers conferred by Sub-Section (i) of the Section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

3. Any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipelines under the land to the Competent Authority, at Western Region, Shed No. 27, Makarpura Road, Near Central Workshop, Baroda-4, in the Office of the C. & M. Division (Oil & Natural Gas Commission), Baroda. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

For laying line from well No. 4 (KCT) o G.G.S. V

State : Gujarat

Taluka : Kalol

Distt. Mehsana

Village	Serial No.	Hectare.	Acre.	P. Acre
Chhatral	501/2	0	4	35
	500	0	7	48
	499	0	11	02
	498	0	9	71
	490/1P	0	11	93
	490/1P	0	2	42
	462/3	0	4	35
	462/2	0	1	00
	461/1	0	1	00
	464	0	11	53
	466	0	5	16
	465	0	3	64
	471	0	7	28
	472	0	8	39
	456	0	5	36
	455	0	7	89
	454/1	0	3	24
	454/2	0	4	65

[No. 20/3/67-IOC/Lab.(5).I]

S.O. 1079.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum from G.G.S. I to G.G.S. V in the Kalol Oil Field, in Gujarat State, Pipelines should be laid by the Oil and Natural Gas Commission and that for the purpose of laying such Pipelines, it is necessary to acquire the Right of User in the land described in the schedule annexed thereto.

2. Now, therefore, in exercise of the powers conferred by Sub-Section(i) of the Section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), The Central Government hereby declares its intention to acquire the right of user therein.

3. Any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipelines under the land to the Competent Authority, at western Region, Shed No. 27, Makarpura Road, Near Central Workshop, Baroda-4, in the Office of the C. & M. Division (Oil and Natural Gas Commission), Baroda. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

Laying Pipeline from G.G.S. I to G.G.S. V.

State: Gujarat

District: Mehsana

Taluka : Kalol

Village	S. No.	Hectare	Arc	P. Arc.
Arsodia	45	0	7	79
	44	0	9	51
	41	0	17	59
	V. P. Cart track	0	1	11
	83	0	11	13
	87	0	4	05
	35	0	19	92
	88/1	0	1	00
	V. P. Cart track	0	0	60
	34	0	14	46
	32	0	2	82
	31	0	1	00
	106	0	18	71
	V.P. Cart track	0	2	22
	130	0	4	05
	131	0	11	43
	162	0	12	14
	163/paiki	0	8	19
	163/paiki	0	12	34
	158	0	13	75
	157	0	1	00
	181	0	2	00
	182	0	5	06
	183	0	10	62
	179/1	0	19	62
	190	0	24	18
	189	0	8	29
	191	0	12	24
	V.P. Cart track	0	0	80
	192	0	29	84
	202/1-2	0	20	43

[No. 20/3/67-IOC/Lab.(6).]

S.O. 1080.—Whereas it appears to the Central Government that it is necessary in the Public interest that for the transport of Petroleum from G.G.S. I to G.G.S. V. in the Kalol Oil Field, in Gujarat State, Pipelines should be laid by the Oil and Natural Gas Commission and that for the purpose of laying such Pipelines, it is necessary to acquire the Right of User in the land described in the schedule annexed thereto.

2. Now, therefore, in exercise of the powers conferred by Sub-Section (i) of the Section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), The Central Government hereby declares its intention to acquire the right of user therein.

3. Any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipelines under the land to the Competent Authority, at Western Region, Shed No. 27, Makarpura Road, Near Central Workshop, Baroda-4, in the Office of C & M. Division (Oil & Natural Gas Commission), Baroda. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

Laying Pipelines from G.G.S. I to G.G.S. V.

State: Gujarat

Dist.: Gandhinagar

Taluka: Gandhinagar.

Village	S. No.	Hectare	Are	P. Are.
Bhoyen (Rathodni)	215/Paiki	0	14	16
	215/paiki	12	94	0
	216/paiki	0	19	51
	216/paiki	0	10	72
	223/2	0	03	04
	222/1	0	05	26
	222/2	0	10	12
	220	0	17	50
	V.P. Cart track	0	0	80
	272/paiki	0	13	95
	272/paiki	0	14	46
	270	0	1	00
	271	0	10	72
	275	0	5	66
	276	0	24	58
	280	0	16	69
	299/1	0	9	41
	299/2	0	27	11
	V.P. Cart track	0	1	41
	317	0	11	13
	316/1	0	21	85
	316/2	0	12	54
	328	0	15	06
	329	0	22	26
	334	0	7	26
	338	0	1	0
	330	0	6	20
	333	0	24	68
	341	0	10	62
	343	0	10	42
	342/1	0	1	61
	342/4	0	10	42
	342/3	0	10	12
	352/1	0	12	14
	346/1 paiki	0	17	80
	346/1 paiki	0	5	86
	346/1 paiki	0	2	22
Sertha	1374	0	1	21
	1388	0	22	55
	1387	0	1	0
	1389/2	0	1	0
	1390/2/B	0	13	85
	1390/2/A	0	10	12
	1394/1/A	0	2	62

Village	S. No.	Hectare	Acre	P. Acre.
Sertha—Contd.	1394/1/B	0	1	00
	1394/3A & B	0	6	17
	1395/7	0	1	00
	1395/1	0	13	75
	1395/4/Paiki	0	1	00
	1395/4/Paiki	0	10	00
	1395/3	0	6	29
	1406	0	3	34
	1407	0	21	03
	1405/1	0	4	85
	1405/2 A	0	15	28
	V.P. Cart tract	0	1	00
	1269	0	6	97
	1270	0	17	90
	1262	0	5	10
	1261	0	10	01
	1271/1	0	5	26
	1260	0	9	61
	1259	0	14	56
	1258/2	0	35	61
	1256	0	1	00
	V.P. Cart Tract	0	1	60
	1237	0	2	02
	1238/1	0	4	05
	1239/1	0	2	22

[No. 20/3/67-IOC/Lab.(7).]

S.O.-1081.—Whereas it appears to the Central Government that it is necessary in the Public interest that for the transport of Petroleum from G.G.S. I to G.G.S. V. in the Kalol Oil Field, in Gujarat State, Pipelines should be laid by the Oil and Natural Gas Commission and that for the purpose of laying such Pipelines, it is necessary to acquire the Right of User in the land described in the schedule annexed thereto.

2. Now, therefore, in exercise of the powers conferred by Sub-Section (i) of the Section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), The Central Government hereby declares its intention to acquire the right of user therein.

3. Any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipelines under the land to the Competent Authority, at Western Region, Shed No. 27, Makarpura Road, Near Central Workshop, Baroda-4, in the Office of C. & M. Division (Oil & Natural Gas Commission), Baroda. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

Laying Pipeline from G.G.S. I to G.G.S. V.

State: Gujarat	District: Mehsana	Taluka: Kalol.		
Village	S. No.	Hectare	Acre	P. Arc.
I	2	3	4	5
Kalol	252/312	0	1	01
	252/311	0	16	89
	252/309	0	7	28
	252/308	0	1	00
	252/307	0	8	39
	252/306 paiki	0	8	29
	252/306 paiki	0	20	23
	V.P. Cart track	0	2	02
	252/207/2	0	18	50

1	2	3	4	5
	252/209/1 . . .	0	15	67
	252/209/2 . . .	0	6	67
	252/215/1 . . .	0	12	44
	252/214 . . .	0	2	00
	V.P. Cart track . . .	0	2	00
	252/231/1 . . .	0	14	76
	252/230/2 . . .	0	6	67
	252/230/1 . . .	0	13	25
	195 . . .	0	16	69
	196 . . .	0	9	20
	177/1 . . .	0	8	00
	176 . . .	0	16	27
	174/2 . . .	0	14	66
	V.P. Cart track . . .	0	2	12
	72 . . .	0	7	68
	73 . . .	0	54	81
	57 . . .	0	1	00
	56 . . .	0	5	46
	58/2 . . .	0	12	24
	58/1 . . .	0	9	51
	59 . . .	0	15	38
	V.P. Cart track . . .	0	2	00
	44 . . .	0	14	36

[No. 20/3/67-IOC/Lab.(8).]

S.O. 1082.—Whereas it appears to the Central Government that it is necessary in the Public interest that for the transport of Petroleum from G.G.S. I to G.G.S. V in the Kalol Oil Field, in Gujarat State, Pipelines should be laid by the Oil and Natural Gas Commission and that for the purpose of laying such Pipelines, it is necessary to acquire the Right of User in the land described in the schedule annexed thereto.

2. Now, therefore, in exercise of the powers conferred by Sub-Section (i) of the Section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

3. Any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipelines under the land to the Competent Authority, at Western Region, Shed No. 27, Makarpura Road, Near Central Workshop, Baroda-4, in the Office of C. & M. Division (Oil & Natural Gas Commission), Baroda. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

LAYING PIPELINE FROM G.G.S. I TO G.G.S. V.

STATE GUJARAT DISTRICT : MEHSANA TALUKA : KALOL

Village	S.No.	Hectare	Acre	P. Are.
1	2	3	4	5
Ola	93	0	10	82
	101/1 A	0	17	19
	V.P. Cart track	0	1	31
	91	0	23	06
	87	0	14	05
	88	0	13	85
	86/2	0	8	39
	86/1	0	12	74
	85/1	0	10	62
	85/2	0	1	00

I	2	3	4	5
O/a	V.P. Cart Track	0	2	52
	128/3	0	10	62
	128/2	0	2	52
	128/1 paiki	0	1	00
	131/3	0	2	00
	127	0	1	00
	128/1 paiki	0	8	39
	132/2	0	9	11
	132/1	0	3	34
	131/1	0	6	47
	137	0	7	68
	133	0	1	51
	136/2	0	6	97
	136/1	0	10	62
	135	0	9	81
	141/1	0	1	00
	141/3	0	6	47
	142/1	0	5	76
	142/2	0	9	21
	144	0	2	20
	V.P. Cart track	0	1	21
	158/3	0	8	39
	153/9	0	10	82
	153/7 paiki	0	1	51
	153/7 paiki	0	1	00
	153/6	0	8	29
	153/1	0	3	84
	153/5	0	3	64
	153/4	0	8	9
	V.P. Cart track	0	1	70
	433/2	0	2	33
	434	0	21	94
	435	0	10	31
	V.P. Cart track	0	4	5
	528/1B	0	8	99
	527/2	0	21	35
	526/1	0	1	00
	527/3	0	3	24
	526/2	0	11	13
	523/1, + 2, + 3	0	11	92

[No. 20/3/67-IOC/Lab.(9).]

S.O. 1083.—Whereas it appears to the Central Government that it is necessary in the Public interest that for the transport of Petroleum from G.G.S. I to G.G.S. V. in the Kalol Oil Field, in Gujarat State, Pipelines should be laid by the Oil and Natural Gas Commission and that for the purpose of laying such Pipelines, it is necessary to acquire the Right of User in the land described in the schedule annexed thereto.

2. Now, therefore, in exercise of the powers conferred by Sub-Section (i) of the Section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

3. Any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipelines under the land to the Competent Authority, at Western Region, Shed No. 27, Makarpura Road, Near Central Workshop, Baroda-4, in the Office of C. & M. Division (Oil & Natural Gas Commission), Baroda. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

LAYING PIPELINE FROM G.G.S. I. TO G.G.S. V

SCHEDULE

STATE : GUJARAT DISTRICT: MEHSANA TALUKA : KALOL

Village	S. No.	Hectare	Are.	P. Are.
Isand	565	0	16	99
	567	0	22	05
	566	0	1	00
	568	0	9	41
	554/4	0	2	11
	570/3	0	5	76
	570/5	0	8	39
	570/4	0	7	38
	553	0	14	56
	571/12	0	15	38
	571/11	0	10	01
	571/10	0	6	17
	571/1	0	6	17
	571/2	0	1	00
	V.P. Kans	0	0	70
	646	0	19	93
	647	0	13	04
	666/paiki	0	11	93
	666/paiki	0	8	39
	664/4	0	4	25
	664/2	0	12	64
	663/1	0	19	11
	662	0	1	00
	674/i	0	18	20

[No. 20/3/67-IOC/Lab.(10).]

S.O. 1084.—Whereas it appears to the Central Government that it is necessary in the Public interest that for the transport of Petroleum from G.G.S. I to G.G.S. V in the Kalol Oil Field, in Gujarat State, Pipelines should be laid by the Oil and Natural Gas Commission and that for the purpose of laying such Pipelines, it is necessary to acquire the Right of User in the land described in the schedule annexed thereto.

2. Now, therefore, in exercise of the powers conferred by Sub-Section (i) of the Section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

3. Any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipelines under the land to the Competent Authority, at Western Region, Shed No. 27, Makarpura Road, Near Central Workshop, Baroda-4, in the Office of C. & M. Division (Oil & Natural Gas Commission), Baroda. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

Pipe Line from G.G.S. I to G.G.S. V

STATE: GUJARAT DISTRICT: MEHSANA TALUKA: KALOL

Village	S. No.	Hectare	Are	P. Are
I	I	3	4	5
Sali	779	0	9	31
	780	0	13	25
	782	0	21	95
	785	0	6	77

1	2	3	4	5
	784	0	6	17
	776	0	12	34
	V. P. Cart track of			
	Village Saij	0	1	00
	587	0	34	08
	585/1 & 3	0	13	24
	586/2	0	3	24
	586/1 Paiki	0	5	16
	586/1 paiki	0	4	15
	586/1 paiki	0	3	44
	561/1	0	5	76
	561/4	0	11	16
	561/6	0	3	44
	561/8	0	1	00
	561/10	0	3	04
	V. P. Cart track of			
	village Panchayat			
	Saij	0	1	00
	471/2	0	4	35
	471/1	0	20	53
	472/4	0	28	02
	472/5	0	6	97
	462	0	24	43
	463/1	0	4	25
	455	0	1	00
	456/I-II	0	11	23
	456/I-6	0	5	06
	456/I-5	0	4	65
	453/4	0	13	55
	453/5	0	8	49
	453/2	0	2	00
	453/1	0	12	75
	452	0	7	28

[No. 20/3/67-IOC/Lab.(11).]

S.O. 1085.—Whereas it appears to the Central Government that it is necessary in the Public interest that for the transport of Petroleum from the drill sites well No. K-116 to G.G.S. VI in the Kalol Oil Field, in Gujarat State, Pipelines should be laid by the Oil and Natural Gas Commission and that for the purpose of laying such Pipelines, it is necessary to acquire the Right of User in the land described in the schedule annexed thereto.

2. Now, therefore, in exercise of the powers conferred by Sub-Section (i) of the Section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

3. Any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipelines under the land to the Competent Authority, at Western Region, Shed No. 27, Makarpura Road, Near Central Workshop, Baroda-4, in the Office of the C. & M. Division (Oil & Natural Gas Commission), Baroda. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

STATE: GUJARAT

TALUKA: KADI

DISTT: MEHSANA

For laying pipeline from Well No. K.H.O. (K-116) to G.G.S. VI

Village	S. No.	Hectare	Acre.	P. Acre.
Chadasan	20.	0	13.	44
	18.	0	11	83
	17.	0	6	37
	16.	0	4	15
	15.	0	6	37

1	2	3	4	5
Chadasan— <i>conold</i>	14/2+4.	c	9	11
	1. V. P. Tank.	o	9	91
	14/1+3	o	10	15
	416 V. P. Gauchar	o	28	83
Zulasan	536/1	o	5	66
	537	o	11	13

[No. 20/3/67-IOC/Lab.(12).]

S.O. 1086.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum from G.G.S. II to Main Collector to Line. In the Kalol Oil Field, in Gujarat State, Pipelines should be laid by the Oil & Natural Gas Commission and that for the purpose of laying such Pipelines, it is necessary to acquire the Right of User in the land described in the schedule annexed thereto.

2. Now, therefore, in exercise of the powers conferred by Sub-Section (i) of the Section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

3. Any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipelines under the land to the Competent Authority, at Western Region, Shed No. 27, Makarpura Road, Near Central Workshop, Baroda-4, in the Office of the C. & M. Division (Oil & Natural Gas Commission), Baroda. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

Laying Pipelines (Feeder Line) G.G.S. II to Main Collector Line.

State : Gujarat

Taluka : Kalol

District : Mehsana

Village	S. No.	Hectare	Arc.	P. Arc.
	2	3	4	5
SAIJ	712/A paiki	o	28	o
	730	o	18	58
	729	o	5	26
	728/1	o	o	50
	735/paiki	o	1	41
	735/paiki	o	5	11
	735/paiki	o	5	11
	736	o	5	38
	737/1	o	1	50
	737/2	o	1	25
	737/3	o	2	03
	738/paiki	o	3	20
	738/paiki	o	2	55
	738/paiki	o	3	48
	739	o	4	95
	740	o	11	13
	741/2	o	4	19
	741/3	o	4	37
	741/4	o	3	94
	V.P. Cart tract	o	1	70
	812/1	o	7	70
	811	o	8	35
	812/1/5	o	10	55
	812/1/4	o	6	07
	812/1/7	o	o	50

1	2	3	4	5
	812/1/8	0	22	84
	809/7	0	4	53
	809/6	0	1	00
	813	0	10	96
	814	0	6	12
	815	0	1	95
	816	0	2	12
	817	0	2	12

[No. 203/67-IOC/Lab.(13).]

S.O. 1087.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum from the drill sites well No. 106 (K.H.N.) to GGS VI in the Kalol Oil Field, in Gujarat State, Pipelines should be laid by the Oil & Natural Gas Commission and that for the purpose of laying such Pipelines, it is necessary to acquire the Right of User in the land described in the schedule annexed thereto.

2. Now, therefore, in exercise of the powers conferred by Sub-Section (i) of the Section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

3. Any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipelines under the land to the Competent Authority, at Western Region, Shed No. 27, Makarpura Road, Near Central Workshop, Baroda-4, in the Office of the C. & M. Division (Oil & Natural Gas Commission), Baroda. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

Pipeline from well No. 106 (KHN) To G. G. S. VI

State : Gujarat

District : Mehsana

Taluka : Kadi

Village	S. No.	Hectare	Ac.	P. Ac.
Chadasan	75/1 paiki	0	1	18
	75/1 paiki	0	8	75
	75/1 paiki	0	0	50
	77 paiki	0	5	68
	77 paiki	0	3	04
	77 paiki	0	7	43
	78/1	0	0	50
	82/2	0	10	03
	79/paiki	0	4	65
	79 /paiki	0	5	24
	80	0	4	90
	V. P. Road	0	2	37
	36/2	0	3	16
	36/1	0	3	23
	33	0	1	01
	34 paiki	0	3	49
	34 paiki	0	2	59
	35	0	7	78
	24	0	6	75
	25	0	1	00
	26/1	0	2	02
	26/2	0	7	43
	27/1	0	1	70
	V.P. Cart track	0	1	34
	16	0	3	16
	15	0	8	36
	14/1	0	10	85
	14/2	0	10	32

[No. 20/3/67-/IOC/Lab.]

S.O. 1088.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum from C.T.F. to Well No. 80 side in the Kalol Oil Field, in Gujarat State, Pipelines should be laid by the Oil & Natural Gas Commission and that for the purpose of laying such Pipelines, it is necessary to acquire the Right of User in the land described in the schedule annexed thereto.

2. Now, therefore, in exercise of the powers conferred by Sub-Section (i) of the Section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

3. Any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipelines under the land to the Competent Authority, at Western Region, Shed No. 27, Makarpura Road, Near Central Workshop, Baroda-4, in the Office of the C. & M. Division (Oil & Natural Gas Commission), Baroda. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

*Laying feeder lines from (main collector line) G.T.F. to well
No. 80 SIDE*

State : Gujarat

Taluka : Kalol

District : Mehsana

Village 1	Survey No. 2	Hectare 3	Are. 4	P.Are. 5
Dhanaj	8 V. P. Cart tract of village Dhanaj	0	13	09
	14	0	4	43
Saij	963	0	31	55
	959	0	17	18
	955/2	0	3	61
	955/1	0	16	12
	952	0	12	56
	712/A/paiki	0	24	20
	712 (V.P. Cart tract)	0	4	95
	712/A/Paiki	0	16	25
	892/9	0	3	25
	892/6	0	4	77
	892/8	0	4	95
	892/7	0	5	06
	893	0	7	08
	19(V.P. Cart tract)	0	1	04
	850	0	4	17
	851	0	11	58
	852	0	9	20
	853	0	8	69
	854	0	6	97
	840	0	10	98
	839	0	33	97
	821	0	1	58
	V.P. Cart tract	0	0	80
	815	0	4	80
	816	0	11	52
	817	0	9	38
	818	0	1	58
	814	0	12	83
	798	0	9	95
Sertha	1181/1	0	5	26
	1181/2/paiki	0	23	63
	1181/2/paiki	0	6	58
	1191/paiki	0	12	44
	1191/paiki	0	1	83
	1192	0	7	22
	1193/1+2	0	9	91
	1219	0	5	06

1	2	3	4	5
	1218/2/A	0	1	00
	1221	0	18	00
	1222/2	0	18	23
	1223	0	1	46
	1224	0	31	43
	1234/4	0	3	37
	1237	0	6	43
	1236	0	10	34

[No. 20/3/67-IOC/Lab. (15).]

S.O. 1089.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum from the drill sites well No. K. 49 to GGS VI in the Kalol Oil Field, in Gujarat State, Pipelines should be laid by the Oil & Natural Gas Commission and that for the purpose of laying such Pipelines, it is necessary to acquire the Right of User in the land described in the schedule annexed thereto.

2. Now, therefore, in exercise of the powers conferred by Sub-Section (i) of the Section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

3. Any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipelines under the land to the Competent Authority, at Western Region, Shed No. 27, Makarpura Road, Near Central Workshop, Baroda-4, in the Office of the C. & M. Division (Oil & Natural Gas Commission), Baroda. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

Laying pipelines from G.G.S. III (Well No. 49) to G.G.S. VI

State : Gujarat

Taluka : Kalol

District : Mehsana

Village	S. No.	Hectare	Acre	P. Acre.
Pansar	112/6	0	21	4
	112/7	0	14	0
	112/5	0	2	4

[No. 20/3/67-IOC/Lab. (16).]

S.O. 1090.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum from the drill sites well No. 45 (KCT) to Well No. 79 (K.Z.) in the Kalol Oil Field, in Gujarat State, Pipelines should be laid by the Oil & Natural Gas Commission and that for the purpose of laying such Pipelines, it is necessary to acquire the Right of User in the land described in the schedule annexed thereto.

2. Now, therefore, in exercise of the powers conferred by Sub-Section (i) of the Section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

3. Any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipelines under the land to the Competent Authority, at Western Region, Shed No. 27, Makarpura Road, Near Central Workshop, Baroda-4, in the Office of the C. & M. Division (Oil & Natural Gas Commission), Baroda. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

FOR LAYING PIPELINE FROM WELL 45 (K.C.T.) TO WELL 79 (K.Z.)

State : Gujarat

District : Mehsana

Taluka : Kalol

Village	S.No.	Hectare	Are	P. Are.
Chhatral	510	0	8	49
	511	0	3	74
	512	0	6	07
	513/5	0	3	64
	513/4	0	8	09
	513/1	0	6	67
	513/2	0	1	00
	516	0	10	01
	577	0	2	02
	578	0	11	23
	579/2	0	8	50
	V. P. Road	0	1	61
	661	0	2	42

[No. 20/3/67-IOL/Lab. (17).]

S.O. 1091.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum from the drill sites well No. KAO 32 to KIC-113 in the Kalol Oil Field, in Gujarat State, Pipelines should be laid by the Oil and Natural Gas Commission and that for the purpose of laying such Pipelines, it is necessary to acquire the Right of User in the land described in the schedule annexed thereto.

2. Now, therefore, in exercise of the powers conferred by Sub-Section (i) of Section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

3. Any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipelines under the land to the Competent Authority, at Western Region, Shed No. 27, Makarpura Road, Near Central Workshop, Baroda-4., in the Office of the C. & M. Division (Oil and Natural Gas Commission), Baroda. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

LAYING PIPELINE FROM WELL NO. KAO/32 TO WELL NO. KIC/113.

State : Gujarat

Distt. : Mehsana

Taluká : Kalol

Village	S. No.	Hectare	Are.	P. Are.
Pansor	83/2	0	7	07
	83/1	0	4	45
	84/1	0	5	56
	V. P. Pansor Road.	0	0	60
	139	0	17	00

[No. 20/3/67-IOC/Lab.]

S.O. 1092.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum from the drill sites well No. 182 to well No. 56 to G.G.S. I in the (Ankleswar) Oil Field, in Gujarat State, Pipelines should be laid by the Oil and Natural Gas Commission and that for the purpose of laying such Pipelines, it is necessary to acquire the Right of User in the land described in the schedule annexed thereto.

2. Now, therefore, in exercise of the powers conferred by Sub-Section (i) of Section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

3. Any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipelines under the land to the Competent Authority, at Western Region, Shed No. 27, Makarpura Road, Near Central Workshop, Baroda-4, in the Office of C. & M. Division (Oil and Natural Gas Commission), Baroda. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

LAYING PIPELINE FROM WELL NO. 182 TO 56 TO G.G.S. I.

State : Gujarat

Taluka : Ankleswar

District : Broach.

Village	S. No.	Hectare.	Are.	P. Are.
Sarthan	66/1	0	8	09
	74/2	0	8	09
	74/3	0	8	09
	65/3	0	4	05

[No. 31/67-63-IOC/Lab.]

ERRATUM

New Delhi, the 11th March 1969

S.O. 1093.—In the notification of Government of India, in the Ministry of Petroleum and Chemicals No. 31/38/63-ONG, dated 29th April, 1964, published under S.O. No. 1597 in the Gazette of India, Part II, Section 3, Sub-section (ii), dated 9th May, 1964.

1. On page No. 1883 and at village Miyagam.

Read S. No. 1219 For S. No. 1210.

[No. 31/38/63-ONG/Lab. (Vol. 3).]

R. K. SINHA, Under Secy.

MINISTRY OF PETROLEUM AND CHEMICALS

ERRATA

New Delhi, the 20th November 1968

S.O. 1094.—In the notification of Government of India in the Ministry of Petroleum and Chemicals No. 20/3/67-IOC(A), dated 26th August, 1968, published under S. No.

3197, in the Government Gazette of India Part II Section 3 in sub-section (ii) dated 14th September, 1968.

At page No. 4276, and at village Saij.

"Read"

S. No. 1071/4

"For"

S. No. 1072/4.

[No. 20/3/67-IOC.]

S.O. 1095.—In the notification of the Government of India in the Ministry of Petroleum and Chemicals No. 20(3)/67-IOC(B) dated 26th August, 1968 published under S.O. No. 198 in the Government Gazette of India Part II, Section 3, Sub-Section (ii) dated 14th September, 1968.

At page No. 4276 and at village Gota for the area of S. No. 388.

Read			For		
Hectare	Acre	P. Acre	Hectare	Acre	P. Acre.
0	7	35	0	0	35

[No. 20/3/67/IOC.]

R. S. GOPALAN, Under Secy.

MINISTRY OF FOREIGN TRADE AND SUPPLY

(Department of Foreign Trade)

New Delhi, the 10th March 1969

S.O. 1096.—Subject to admissibility, Shri A. K. Roy, I.A.S. Chairman, Tea Board in granted earned leave for 30 days w.e.f. the 11th March, 1969 to 9th April, 1969.

2. The Central Government hereby also permits Shri Prem Kumar, I.A.S., Deputy Chairman, Tea Board to perform the duties of the post of Chairman Tea Board, Calcutta, w.e.f. the 11th March, 1969 to 9th April, 1969, in addition to his own duties.

[No. F. 1(1)-Plant(A)/69.]

M. L. GUPTA, Under Secy.

MINISTRY OF IRRIGATION AND POWER

ORDER

New Delhi, the 13th March 1969

S.O. 1097.—With a view to accommodating Neyveli Lignite Corporation Limited, who in their letter No. TW/PA/C3/3595/67(2) dated the 6th December, 1967, has sought relaxation of certain provisions of the Indian Electricity Rules, 1956, to enable them to use Special type Slewable Spreader for the purpose of spreading lignite in the Permanent Storage Bunker, the Central Government in exercise of power conferred by Sub-rule (2) of Rule 133 of the Indian Electricity Rules, 1956, hereby directs that the provisions of Rule 122(g) of the said rules are relaxed in respect of use of special type Slewable Spreader Serial No. 344 to the extent that those part of 4 core unarmoured flexible cables that are intended for wiring ancillary equipments in the spreader and which could not be enclosed in conduit as a result of their placement on movable parts of the spreader preventing such enclosure, may not be conveyed either in metallic pipings or metallic casings, subject to the following conditions:—

(1) Those parts of the unencased flexible cables used for wiring of the ancillary equipments in the Spreader shall be adequately protected against mechanical damage and be examined daily by the competent person to ascertain whether there has been any damage on the same. In case any damage or defect is noticed, such damage or defect shall be forthwith repaired in a satisfactory manner so as to avoid danger.

(2) Medium pressure system supplying energy to the Spreader shall be covered by suitable earth leakage protection.

(3) The earthing of all the switch gear frames and the frames and bed plates of various motors in the spreader shall always be maintained in perfect condition.

(4) The operator of the spreader shall be trained and duly authorised for operating the spreader with competency and due care to avoid danger.

Provided that the aforesaid relaxation shall be valid for such time as the said machine is in use in the mine and due information shall be given to the Central Government through the Deputy Director of Mines Safety (Electrical—Hqs), Dhanbad, as soon as the machine is taken out of the mine.

[No. EL.II-6(1)/68.]

CORRIGENDUM

New Delhi, the 11th March 1969

S.O. 1098.—In the Order published with the Notification of the Government of India in the Ministry of Irrigation and Power No. S.O. 423 at pages 461 and 462 of Part II, Section 3(ii) of the Gazette of India dated the 1st February, 1969, the following corrections shall be carried out:—

1. Page 461

The line 1 regarding "In exercise of the powers conferred by sub-rule (2) Rule 433 of the" shall be substituted by "In exercise of the powers conferred by sub-rule (2) of Rule 133 of the".

2. Page 462

The line 23 reading "(4) The flexible trailing cable shall be connected to electricity supply system" shall be substituted by "(4) The flexible trailing cable shall be connected to electric supply system".

[No. EL. II-6(6)/68.]

M. RAMANATHAN,
Deputy Director Power.

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 3rd March 1969

S.O. 1099.—In exercise of the powers conferred by section 5(1) of the Cinematograph Act, 1952 and sub-rule (3) of rule 8 read with sub-rule 2 of rule 9 of the Cinematograph (Censorship) Rules, 1958, the Central Government hereby appoints Shri Anant Mahapatra, as a member of the Advisory Panel of the Central Board of Film Censors at Calcutta with immediate effect.

[No. 11/1/68-F(C).]

H. B. KANSAL, Under Secy.

सूचना और प्रसारण मंत्रालय

नई दिल्ली, 3 मार्च 1969

एस० ओ० 1100.—चलचित्र अधिनियम, 1952 की धारा 5 (1) और चलचित्र (सेन्सर) नियमावली, 1968 के नियम 9 के उप-नियम 2 के साथ पठित नियम 8 के उप-नियम (3) द्वारा दिए गए अधिकारों का प्रयोग करते हुए, केन्द्रीय सरकार ने केन्द्रीय फिल्म सेन्सर बोर्ड से परामर्श करके एतद्द्वारा श्री अनन्त महापात्र को अभी से उक्त बोर्ड के कलकत्ता सलाहकार मण्डल का सदस्य नियुक्त किया है।

[फाइल संख्या 11/1/68-एफ० सी०]

हरि बाबू कंसल, प्रवर सचिव।

ORDERS

New Delhi, the 10th March 1969

S.O. 1101.—In pursuance of the directions issued under the provisions of the enactments specified in the First Schedule annexed hereto the Central Government after considering the recommendations of the Film Advisory Board, Bombay hereby approves the film specified in column 2 of the Second Schedule annexed hereto in all its language versions to be of the description specified against it in column 6 of the said Second Schedule.

THE FIRST SCHEDULE

- (1) Sub-section (4) of the Section 12 and Section 16 of the Cinematograph Act, 1952 (Central Act XXXVII of 1962).
- (2) Sub-section (3) of Section 5 and Section 9 of the Bombay Cinemas (Regulation) Act, 1953 (Bombay Act XI of 1953).

THE SECOND SCHEDULE

S. No.	Title of the film	Length 35 mm	Name of the Applicant	Name of the Producer	Whether a Scientific film or a film intended for educational purposes or a film dealing with news & current events or a documentary film
1	2	3	4	5	6
1	Parsatil Sone	297·27 M	Director of Publicity, Government of Maharashtra, Bombay.		Film intended for educational purposes (for Maharashtra Circuit)

[No. F.24/1/69-FP.-App.1332.]

S.O. 1102.—In pursuance of the directions issued under the provisions of each of the enactments specified in the First Schedule annexed hereto, the Central Government after considering the recommendations of the Film Advisory Board, Bombay hereby approves the film specified in column 2 of the Second Schedule annexed hereto in Gujarati to be of the description specified against it in column 6 of the said Second Schedule.

THE FIRST SCHEDULE

- (1) Sub-section 4 of the Section 12 and Section 16 of the Cinematograph Act, 1952 (Central Act XXXVII of 1952).
- (2) Sub-Section (3) of Section 5 and Section 9 of the Bombay Cinemas (Regulation) Act, 1953 (Bombay Act XVII of 1953).
- (3) Sub-Section (4) of Section 5 and Section 9 of the Saurashtra Cinemas (Regulation) Act, 1953 (Saurashtra Act XVII of 1953).

THE SECOND SCHEDULE

S. No.	Title of the film	Length 35 mm	Name of the Applicant	Name of the Producer	Whether a Scientific film or a film intended for educational purposes or a film dealing with news & current events or a documentary film
1	2	3	4	5	6
1	Pragatisheel Jamnagar	609·27 M	Director of Information Govt. of Gujarat, Shivalya Ahmedabad-15.		Film intended for educational purposes (For release in Gujarat Circuit only).

[No. F. 24/1/69-FP.APP./1333.]

S.O. 1103.—In pursuance of the Directions issued under the provisions of each of the enactments specified in the First Schedule annexed hereto, the Central Government after considering the recommendations of the Film Advisory Board, Bombay hereby approves the film specified in column 2 of the Second Schedule annexed hereto in English to be of the description specified against it in column 6 of the said Schedule.

THE FIRST SCHEDULE

- (1) Sub-section (4) of the Section 12 and Section 16 of the Cinematograph Act, 1952 (Central Act XXXVII of 1952).
- (2) Sub-section (4) of Section 5 of the Mysore Cinemas (Regulation) Act, 1952 (Mysore Act XXXI of 1952).

THE SECOND SCHEDULE

Sl. No.	Title of the film	Length 35 mm	Name of the Applicant	Name of the Producer	Whether a scientific film or a film dealing with news and current events or a film intended for educational purposes or a documentary film
1	2	3	4	5	6
6	From Benki-pur to Bhadravati	461·77 M	M/s. Image Ltd. Nanabbay Mansion, Sir P.M. Road, Bombay-1	Indian Films	Documentary film (For release in Mysore Circuit only)

[No. F.24/1/69-FP-App. 1334.]

New Delhi, the 12th March 1969

S.O. 1104.—In pursuance of the directions issued under the provisions of the enactments specified in the First Schedule annexed hereto the Central Government after considering the recommendations of the Film Advisory Board, Bombay hereby approves the films specified in column 2 of the Second Schedule annexed hereto in all its language versions to be of the description specified against it in column 6 of the said Second Schedule.

THE FIRST SCHEDULE

- (1) Sub-Section (4) of the Section 12 and Section 16 of the Cinematograph Act, 1952 (Central Act XXXVII of 1952).
- (2) Sub-Section (3) of Section 5 and Section 9 of the Bombay Cinemas (Regulation) Act, 1953 (Bombay Act XI of 1953).

THE SECOND SCHEDULE

Sl. No.	Title of the film	Length 35 mm	Name of the Applicant	Name of the Producer	Whether a scientific film or a film intended for educational purposes or a film dealing with news & current events or a documentary film
1	2	3	4	5	6
1	Maharashtra News No. 201 (Marathi & Hindi)	304·00M	Director of Publicity, Government of Maharashtra Film Centre, 68-Tardeo Rd., Bombay-34.	Film	dealing with news and current events (For release in Maharashtra Circuit only).

[No. F. 24/1/69-FP App. 1336.]

BANU RAM AGGARWAL, Under Secy.

आदेश

नई दिल्ली, 10 मार्च 1969

एस० ओ० 1105.—इसके साथ लगी अनुसूची में निर्धारित प्रत्येक अधिनियम के उपबन्ध के अन्तर्गत जारी किये गये निदेशों के अनुसार, केन्द्रीय सरकार, फिल्म सलाहकार बोर्ड, बम्बई की सिफारिशों पर विचार करने के बाद एतद्वारा, इसके साथ लगी द्वितीय अनुसूची के कालम 2 में दी गई फिल्म को उसके सभी भारतीय भाषाओं के रूपान्तरों सहित, जिसका विवरण उसके सामने उक्त द्वितीय अनुसूची के कालम 6 में दिया हुआ है, स्वीकृत करती है।

प्रथम अनुसूची

- (1) चलचित्र अधिनियम, 1952 (1952 का 37वां केन्द्रीय अधिनियम) की धारा 12 की उपधारा (4) तथा धारा 16।
- (2) बम्बई सिनेमा (विनियम) अधिनियम, 1953 (1953 का 11वां बम्बई अधिनियम) की धारा 5 की उपधारा (3) तथा धारा 9।

द्वितीय अनुसूची

क्रम संख्या	फिल्म का नाम	फिल्म की लम्बाई 35 मि० मी०	आवेदक का नाम	निर्माता का नाम	क्या वैज्ञानिक फिल्म है या शिक्षा सम्बन्धी फिल्म है या समाचार और सामयिक घटनाओं की फिल्म है या डाकुमैन्ट्री फिल्म है।
1	2	3	4	5	6
1.	प्रसातिल सीन	297.27 मीटर	प्रचार निदेशक, बम्बई।	महाराष्ट्र सरकार	शिक्षा सम्बन्धी फिल्म (केवल महाराष्ट्र सकिट में रिलीज करने के लिए)।

[संख्या फ० 24/1/69/एफ० पी० परिशिष्ट 1332.]

एस० ओ० 1106.—इसके साथ लगी प्रथम अनुसूची में निर्धारित प्रत्येक अधिनियम के उपबन्ध के अन्तर्गत जारी किये गए निदेशों के अनुसार, केन्द्रीय सरकार, फिल्म सलाहकार बोर्ड, बम्बई की सिफारिशों पर विचार करने के बाद एतद्वारा इसके साथ लगी द्वितीय अनुसूची के कालम 2 में दी गई फिल्म को उसके गुजराती भाषा के रूपान्तरों सहित, जिसका विवरण उसके सामने उक्त द्वितीय अनुसूची के कालम 6 में दिया हुआ है, स्वीकृत करती है।

प्रथम अनुसूची

- (1) चलचित्र अधिनियम, 1952 (1952 का 37वां केन्द्रीय अधिनियम) की धारा 12 की उपधारा (4) तथा धारा 16।

- (2) बम्बई सिनेमा (विनियम) अधिनियम, 1953 (1953 का 17वां बम्बई अधिनियम) की धारा 5 की उपधारा (3) तथा धारा 9 ।
- (3) सौराष्ट्र सिनेमा (विनियम) अधिनियम, 1953 (1953 का 17वां सौराष्ट्र अधिनियम) की धारा 5 की उपधारा (4) तथा धारा 9 ।

द्वितीय अनुसूची

क्रम संख्या	फिल्म का नाम	फिल्म की लम्बाई 35 मि०मी०	आवेदक का नाम	निर्माता का नाम	क्या वैज्ञानिक फिल्म है या शिक्षा सम्बन्धी फिल्म है या समाचार और सामयिक घटनाओं की फिल्म है या हाकुमैन्ट्री फिल्म है ।
1	2	3	4	5	6
1.	प्रगतिशील जामनगर	609.27 मीटर	सूचना निर्देशक, सचिवालय,	गुजरात सरकार अहमदाबाद ।	शिक्षा सम्बन्धी फिल्म (केवल गुजरात सर्किट में रिलीज करने के लिये) ।

[संख्या फा० 24/1/69-एफ० पी० परिशिष्ट 1333.]

एस० ओ० 1107.—इसके साथ लगी प्रथम अनुसूची में निर्धारित प्रत्येक अधिनियम के उपबन्ध के अन्तर्गत जारी किये गये निदेशों के अनुसार, केन्द्रीय सरकार, फिल्म सलाहकार बोर्ड, बम्बई की सिफारिशों पर विचार करने के बाद एतद्वारा इसके साथ लगी द्वितीय अनुसूची के कालम 2 में दी गई फिल्म को उसके अंग्रेजी भाषा के रूपान्तरों सहित, जिसका विवरण उसके सामने उक्त द्वितीय अनुसूची के कालम 6 में दिया हुआ है, स्वीकृत करती है ।

प्रथम अनुसूची

- (1) चलचित्र अधिनियम, 1952 (1952 का 37वां केन्द्रीय अधिनियम) की धारा 12 की उपधारा (4) तथा धारा 16 ।
- (2) मैसूर सिनेमा (विनियम) अधिनियम 1952 (1952 का 31वां मैसूर अधिनियम) की धारा 5 की उपधारा (4) ।

द्वितीय अनुसूची

क्रम संख्या	फिल्म का नाम	लम्बाई 35 मि०मी०	प्रावेष्टक का नाम	निर्माता का नाम	क्या वैज्ञानिक फिल्म है या शिक्षा सम्बन्धी फिल्म है या समाचार और साप्ताहिक चट्टानों की फिल्म है या डाकुमेंट्री फिल्म है।
2	3	4	5	6	
1	फोम बन्कीपुर दू भवरावली	461.77 मीटर	मैसजं हमेज लिमिटेड, सर पी० एम० रोड, बम्बई।	इंडिया फिल्मज नानाभाए मन्सन,	डाकुमेंट्री फिल्म (केवल मैसूर सफिट में रिलीज करने के लिए)

[संख्या फ० 24/1/69-एफ० पी० परिशिष्ट 1334.]

बानू राम अग्रवाल, अवर सचिव।

MINISTRY OF HEALTH, F.P., WORKS, HOUSING AND URBAN DEVELOPMENT

(Department of Health)

New Delhi, the 11th March 1969

S.O. 1108.—In exercise of the powers conferred by section 28 of the All India Institute of Medical Sciences Act, 1956 (25 of 1956) the Central Government after consultation with the Institute, hereby makes the following rules further to amend the All India Institute of Medical Sciences Rules, 1958, namely:—

1. (1) These rules may be called the All India Institute of Medical Sciences Amendment) Rules, 1969.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the All India Institute of Medical Sciences Rules, 1958, for sub-rule (3) of rule 7, the following sub-rule shall be substituted, namely:—

"3 Appointment to the post of Director shall be made by the Institute with the prior approval of the Central Government."

[No. F. 2-8/69-ME(PG).]

R. N. MADHOK, Jt. Secy.

(Department of Health)

New Delhi, the 11th March 1969

S.O. 1109.—Whereas in pursuance of clause (e) of sub-section (2) of section 3 of the Prevention of Food Adulteration Act, 1954 (37 of 1954), the State Government of Orissa has re-nominated Shri M. N. Mohanty, Public Analyst, State Public Health Laboratory, Bhubaneswar, as a member of the Central Committee for Food Standards and the State Government of Punjab has nominated Shri Gurdip Singh, Deputy Public Health Analyst, Punjab, Food and Drugs Laboratory, Chandigarh, as a member of the Central Committee for Food Standards vice Dr. B. D. Narang;

And whereas in pursuance of clause (i) of sub-section (2) of section 3 of the said Act, the Indian Standards Institution has nominated Dr. Hari Bhagwan, Head of the Agricultural and Food Division, Indian Standards Institution, New Delhi, as a member of the Central Committee for Food Standards *vice* Shri P. H. Ramanathan;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the said Act, the Central Government hereby directs that Shri M. N. Mohanty, Public Analyst, State Public Health Laboratory, Bhubaneswar, shall continue to be a member of the Central Committee for Food Standards and makes the following further amendments in the notification of the Government of India in the late Ministry of Health No. SRO 1236 dated the 1st June, 1955, namely:—

In the said notification,

(a) against item 14, for the existing entry, the following entry shall be substituted, namely:—

"Dr. P. M. Toshniwal, Assistant Director, Health Services (Drugs Control), Madhya Pradesh, Bhopal".

(b) against item 15, for the existing entry, the following entry shall be substituted, namely:—

"Shri Gurdip Singh, Deputy Public Analyst, Punjab, Food and Drugs Laboratory, Chandigarh".

(c) against item 28, for the existing entry, the following entry shall be substituted, namely:—

"Dr. Hari Bhagwan, Head of Agricultural and Food Division, Indian Standards Institution, New Delhi".

[No. F.14-25/67-PH.]
M. C. JAIN, Under Secy.

स्वास्थ्य एवं परिवार नियोजन तथा निर्माण, खाद्य और नगर विकास मंत्रालय

(स्वास्थ्य एवं नगर विकास विभाग)

नई दिल्ली, 11 मार्च 1969

एस० प्रो० 1110.—यतः खाद्य अप्रमिश्रण निवारण अधिनियम, 1954 (1954 का 37) की धारा 3 की उप-धारा (2) के खण्ड (ड०) का पालन करते हुए उड़ीसा राज्य सरकार ने श्री एम० एन० महन्ती, लोक विश्लेषक, राजकीय लोक स्वास्थ्य प्रयोगशाला, भुवनेश्वर को खाद्य मानकों की केन्द्रीय समिति के एक सदस्य के रूप में पुनः नियुक्त किया है और पंजाब राज्य सरकार ने डा० बी० डी० नारंग के स्थान पर श्री गुरुदीप सिंह, उप-लोक स्वास्थ्य विश्लेषक, पंजाब खाद्य एवं औषध प्रयोगशाला, जण्डोगढ़ को खाद्य मानकों की केन्द्रीय समिति के एक सदस्य के रूप में नियुक्त किया है।

और यतः उक्त अधिनियम की धारा 3 की उप-धारा (2) के खण्ड (झ) का पालन करते हुए भारतीय मानक संस्थान ने श्री पी० एच० रामनाथन् के स्थान पर भारतीय मानक संस्थान, नई दिल्ली के कृषि एवं खाद्य उत्पादन विभाग के प्रधान डा० हार भगवान को खाद्य मानकों की केन्द्रीय समिति के एक सदस्य के रूप में नियुक्त किया है;

अतः अब उक्त अधिनियम की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा निर्देश देती है कि राजकीय लोक स्वास्थ्य प्रयोगशाला, भुवनेश्वर में लोक विश्लेषक श्री एम० एन० महन्ती खाद्य मानकों की केन्द्रीय समिति के सदस्य बने रहेंगे और भारत सरकार के भूतपूर्व स्वास्थ्य मंत्रालय की अधिसूचना संख्या एस०आर०प्रो० 1236, दिनांक 1 जून, 1955 में आगे और निम्नलिखित संशोधन करती है, नामतः:

(क) मद संख्या 14 के समक्ष वर्तमान प्रविष्टि के बदले निम्नलिखित प्रविष्टि प्रतिस्थापित कर ली जायगी नामतः—

"डा० पी० एम० तोशनीवाल, सहायक निदेशक, स्वास्थ्य सेवा (औषध नियंत्रण), मध्य प्रदेश, भोपाल"

(ख) मद संख्या 15 के समक्ष वर्तमान प्रविष्टि के बदले निम्नलिखित प्रविष्टि प्रतिस्थापित कर ली जायेगी, नामतः—

“श्री गुरुदीप सिंह, उप-लोक विप्लेषक, पंजाब खाद्य एवं औषध प्रयोगशाला चण्डीगढ़”

(ग) मद संख्या 28 के समक्ष वर्तमान प्रविष्टि के बदले निम्नलिखित प्रविष्टि प्रतिस्थापित कर ली जायेगी, नामतः—

“डा० हरि भावान, कृषि एवं खाद्य उत्पादन विभाग के प्रधान, भारतीय मानक संस्थान, नई दिल्ली” ।

[सं० प० 14/25/67—जन स्वास्थ्य]

मोती चन्द जैन, अव्वर सचिव ।

(Department of Health)

New Delhi, the 12th March 1969

S.O. 1111.—In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution and after consultation with the Comptroller and Auditor General in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following rules, namely—

1. **Short title, commencement and extent.**—(1) These rules may be called the Central Government Health Scheme (Allahabad) Rules, 1969.

(2) They shall come into force on the 25th March, 1969.

(3) They shall extend to:—

(i) such areas in Allahabad as the Central Government may, from time to time, by order made in this behalf, specify;

(ii) all persons serving in connection with the affairs of the Union stationed and having their headquarters at Allahabad and residing in the areas aforesaid :

Provided that the Central Government may, by order, exclude any class or category of persons from the scope of these rules.

2. **Instructions relating to Delhi and Bombay Scheme to apply to Allahabad.**—Notwithstanding anything contained in the Secretary of States' Services (Medical Attendance) Rules, 1938, the Central Services (Medical Attendance) Rules 1944, or the All India Services (Medical Attendance) Rules, 1954, the instructions issued from time to time by the Government of India relating to the Central Government Health Scheme as in force in Delhi, and Bombay, shall apply *mutatis mutandis* in respect of persons mentioned in sub-rule (3) of rule 1:

Provided that the Central Government may, from time to time, by order made in this behalf, modify the said Scheme in so far as it is applicable to Allahabad.

[No. F. 24-4/67-H.]

R. MURTHI, Under Secy.

(Department of Health and Urban Development)

New Delhi, the 12th March 1969

S.O. 1112.—The following draft of certain rules further to amend the Drugs and Cosmetics Rules, 1945, which the Central Government proposes to make, after consultation with the Drugs Technical Advisory Board, in exercise of the powers conferred by sections 12 and 33 of the Drugs and Cosmetics Act, 1940 (23 of 1940), is published, as required by the said sections for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 30th May, 1969.

2. Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government.

Draft Rules

These rules may be called the Drugs and Cosmetics (Amendment) Rules, 1969.

2. In the Drugs and Cosmetics Rules, 1945, in rule 69, for sub-rule (2), the following shall be substituted, namely :—

“(2) Every application in Form 24-B shall be accompanied by a fee of rupees forty and every application in form 24 shall be accompanied by a fee of rupees two hundred and inspection fee of rupees fifty for first inspection or rupees twenty five in the case of inspection for renewals of licences.”

[No. F. 1-12/67-D.]

New Delhi, the 13th March 1969

S.O. 1113.—The following draft of certain rules further to amend the Drugs and Cosmetics Rules, 1945, which the Central Government proposes to make, after consultation with the Drugs Technical Advisory Board, in exercise of the powers conferred by sections 12 and 33 of the Drugs and Cosmetics Act, 1940 (23 of 1940), is published, as required by the said sections for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 30th May, 1969.

2. Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government.

Draft Rules

1. These rules may be called the Drugs and Cosmetics (Amendment) Rules, 1969.

2. In the Drugs and Cosmetics Rules, 1945, in rule 65, for sub-rule (3) the following shall be substituted, namely :—

“(3) (1) The supply of any drug on a prescription of a registered medical practitioner shall be recorded at the time of supply in a prescription register specially maintained for the purpose and the serial number of the entry in the register shall be entered on the prescription. The following particulars shall be entered in the register :—

- (a) serial number of the entry,
- (b) the date of supply,
- (c) the name and address of the prescriber,
- (d) the name and address of the patient,
- (e) the name of the drug or preparation and the quantity or in the case of a medicine made up by the licensee, the ingredients and quantities thereof,
- (f) in the case of a drug specified in Schedule C, Schedule H or Schedule L the name of the manufacturer of the drug, its batch number and the date of expiry of potency, if any,
- (g) the signature of the qualified person by or under whose supervision the medicine was made up and/or supplied.

Provided that in the case of drugs which are *not* compounded in the premises and which are supplied from or in the original containers, the particulars specified in items (a) to (f) above may be entered in a cash or credit memo book, serially numbered and specially maintained for this purpose and kept under the custody of the qualified person.

Provided further that if the medicine is supplied on a prescription on which the medicine has been supplied on a previous occasion and entries made in the prescription register, it shall be sufficient if the new entry in the register includes a serial number, the date of supply the quantity supplied and a sufficient reference to an entry in the register recording the dispensing of the medicine on previous occasion.

Provided further that it shall *not* be necessary to record the above details in the register or in the cash or credit memo particulars in respect of—

- (i) any drug supplied against prescription under the Employees State Insurance Scheme if all the above particulars are given in that prescription, and
- (ii) any drug other than specified in Schedule C, E or L if it is supplied in the original unopened container of the manufacturer and if the prescription is

duly stamped at the time of supply with the name of the supplier and the date on which the supply was made.

(2) The option to maintain a prescription register or a cash or credit memo book in respect of drugs and medicines which are supplied from or in the original container, shall be made in writing to the Licensing Authority at the time of application for the grant or renewal of the licence to sell by retail. Provided that the Licensing Authority may require records to be maintained only in prescription register if it is satisfied that the entries in the carbon copy of the cash or credit memo book are not legible."

[No. F. 1-4/68-D.]

L. K. MURTHY, Under Secy.

(Department of Health and Urban Development)

New Delhi, the 13th March 1969

S.O. 1114.—Whereas the Central Government have, in pursuance of the provisions of clause (a) of sub-section (1) of section 3 of the Indian Medical Council Act, 1956 (102 of 1956), nominated, in consultation with the State Governments concerned, the following persons to be members of the Medical Council of India:—

1. Dr. R. C. Bohidar, MBBS, DPH, Director of Health Services, ... Orissa
Orissa, Bhubaneswar.
(Vice Dr. G. S. Mohapatra resigned).
2. Dr. D. N. Phukan, Director of Health Services, Assam, Shillong. ... Assam
(Vice Dr. T. B. Menon resigned).
3. Dr. N. P. Benawri, Director of Health Services, Madhya Pradesh, ... Madhya
Indore.
(Vice Dr. R. Subramanian resigned)

And, whereas in pursuance of the provisions of clause (b) of sub-section (1) of section 3 of the said Act, Dr. D. S. Choudhary, Dean, Government Medical College, Jabalpur, has been elected by the Court of the University of Jabalpur, Jabalpur, to be a member of the said Council with effect from the 31st January, 1969, vice Dr. N. P. Benawri, ceased to be a member of the Council under sub-section (3) of section 7 of the said Act;

Now, therefore, in pursuance of sub-section (1) of section 3 of the said Act, the Central Government hereby makes the following amendments in the Notification of the Government of India in the late Ministry of Health No. 5-13/59-MI, dated the 9th January, 1960, namely:—

In the said notification—

- (1) under the heading "Nominated under clause (a) of sub-section (1) of section 3",
 - (i) for the entry against serial No. 1, the following entry shall be substituted, namely:—
"Dr. R. C. Bohidar, MBBS, DPH, Director of Health Services, Orissa, Bhubaneswar",
 - (ii) for the entry against serial No. 8, the following entry shall be substituted, namely:—
"Dr. N. P. Benawri, Director of Health Services, Madhya Pradesh, Indore".
 - (iii) for the entry against serial No. 9, the following entry shall be substituted, namely:—
"Dr. D. N. Phukan, Director of Health Services, Assam, Shillong".
- (2) under the heading "Elected under clause (b) of sub-section (1) of section 3", for the entry against serial No. 13, the following entry shall be substituted, namely:—
"Dr. D. S. Choudhary, Dean, Government Medical College, Jabalpur".

[No. F.4-29/68-MPT.]

K. DEO, Under Secy.

DEPARTMENT OF COMMUNICATIONS

New Delhi, the 10th March 1969

S.O. 1115.—In pursuance of the provisions of clause (a) of sub-rule (2) of rule 5 of the Central Civil Services (Temporary Service) Rules, 1965, the Central Government hereby specifies the authority mentioned in column 1 of the Table below as the authority by which the powers conferred by the said sub-rule may be exercised to the extent indicated against it in column 2 of the said Table, namely :—

THE TABLE

Name of Authority 1	Extent of Powers 2
Director General, Overseas Communications Service.	In respect of orders passed under sub-rule (1) of rule 5 against a temporary Government servant of the Overseas Communications Service by an appropriate authority subordinate to him.

2. This notification shall be deemed to have come into force on the 19th day of October, 1968.

[No. 3-OC(46)/68.]

S S. PRUTHI, Under Secy.

MINISTRY OF LABOUR, EMPLOYMENT AND REHABILITATION

(Department of Labour and Employment)

New Delhi, the 11th March 1969

S.O. 1116.—In exercise of the powers conferred by section 4 of the Iron Ore Mines Labour Welfare Cess Act, 1961 (58 of 1961), read with rule 3 of the Iron Ore Mines Labour Welfare Cess Rules, 1963, and in supersession of the notification of the Government of India in the late Ministry of Labour and Employment No. S.O. 2077 dated the 8th July, 1965, the Central Government hereby constitutes an Advisory Committee for the Union territory of Goa, Daman and Diu with the following as members, namely :—

Chairman

1. Labour Minister, Goa, Daman and Diu, Panaji.

Vice Chairman

2. Welfare Commissioner, Iron Ore Mines Labour Welfare Funds Advisory Committee, Goa, Daman and Diu, Panaji.

Member of the Legislative Assembly

3. Shri Gajanan Patil, Member of the Legislative Assembly of the Union Territory of Goa, Daman and Diu, Marmugao, Goa.

Representatives of the Iron Ore Mines Owners

4. Shri Cipriano De Souza, Mine Owner, Sanquelim, Goa.
5. Shri Ramdas Mallaya, C/o. M/s. Emco Goa Ltd., P.O. Box No. 54, Marmugao,

Representatives of Iron Ore Mines Workers

6. Shri George Vaz., Goa Mining Labour Welfare Union Assonora, Bardez, Goa.
7. Shri V. A. Gavas, President, National Mine Workers Union, Kurchorem, Ccnordem, Goa.

Woman representative

8. Shrimati Kumidini Dinanath Shirodkar, Near Ice Factory, Francisco Luis Gomes Road, Vasco Da Gama (Goa).

Secretary

9. Welfare Administrator, Iron Ore Mines Labour Welfare Fund, Goa, Daman and Diu, Panaji.

2. In pursuance of rule 18 of the Iron Ore Mines Labour Welfare Cess Rules, 1963, the Central Government hereby fixes Panaji to be the headquarters of the said Advisory Committee.

[No. F. 10/9/68-MIII.]

New Delhi, the 14th March 1969

S.O. 1117.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Bombay, in the industrial dispute between the employers in relation to the Bombay Port Trust, Bombay, and their workmen, which was received by the Central Government on the 10th March, 1969.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
NO. 2, BOMBAY**

REFERENCE NO. CGIT-2/12 OF 1968

PARTIES:—

Employers in relation to Bombay Port Trust, Bombay.

AND

Their Workmen

PRESENT:

Shri N. K. Vani, Presiding Officer.

APPEARANCES:

For the Employer—Shri R. K. Shetty, Deputy Legal Adviser, Bombay Port Trust.

For the Workmen—Shri S. Maitra, General Secretary, B. P. T. General Workers' Union, Bombay.

STATE: Maharashtra.

INDUSTRY: Ports and Docks.

Bombay, dated the 20th February, 1969

AWARD

By order No. 28/106/65-LR-IV, dated 17th May, 1966, the Government of India, in the Ministry of Labour, Employment and Rehabilitation, (Department of Labour and Employment) referred to the Central Government Industrial Tribunal, Bombay, for adjudication, an industrial dispute, existing between the employers in relation to the Bombay Port Trust, Bombay and their workmen represented by the Bombay Port Trust General Workers' Union, Bombay in respect of the matter set forth in the Schedule mentioned below:—

SCHEDULE

Whether under the award of Shri Das Gupta, in Reference No. 5 of 1957, the Motor Engine Drivers Grade II, of 'B' cadre vessels transferred on promotion under the Diesel Training Scheme, as Motor Engine Drivers, Grade I, to the 'C' Cadre vessels are entitled to claim seniority over the Motor Engine Drivers, Grade II in 'B' cadre who were senior to them in service for purposes of appointment to vacancies of Motor Engine Driver, Grade I, in 'B' Cadre which arose after the latter had acquired 1st Class Motor Engine Drivers' Certificate of Competency? If so, to what relief are the Motor Engine Drivers transferred on promotion to 'C' cadre entitled?

2. Later on, by order No. 22/8/68-LR-III dated 25th November 1968, the Central Government transferred this reference to this Central Government Industrial Tribunal-cum-Labour Court No. 2, Bombay for adjudication.

3. The facts giving rise to the reference are as follows:—

4. Prior to 1950, the employers Flotilla consisted very largely of Steam Vessels. The Engine Drivers employed thereon were required to hold necessary certificate of competency

granted under the Inland Steam Vessels Act and Rules. After 1950, there was gradual trend to go in for Diesel Engine Motor Vessels. These vessels required drivers holding Diesel qualifications. As the old drivers holding steam qualifications would not be in a position to work on Diesel Engine Vessels and as they would be required to be retrenched when the old vessels become redundant, it was considered necessary to have a scheme to enable them to acquire necessary training and obtain Diesel certificate for working on Diesel Engine Vessels to avoid their retrenchment. Hence the employers framed a training scheme by their resolution No. 1034 dated 8th December, 1959 (*Vide Annexure I to the written statement of the Bombay Port Trust hereinafter referred to as employers*). The main feature of this resolution are as follows:—

- (a) The employers flotilla was to be divided into 3 categories namely 'A', 'B', and 'C'. Old Steam Vessels were put in 'A' category—Existing Diesel Vessels were put in 'B' category. New Vessels purchased in replacement of old Steam vessels were to be placed in 'C' category.
- (b) The Senior Engine Drivers working on the Steam Vessels were to be given opportunities to undergo training on Diesel Vessels and to acquire the necessary qualification within a period of 3 years during which the posts in 'C' category vessels would be filled provisionally from employees holding first class certificates in the 'B' category. Upon the Steam Drivers acquiring the necessary qualification they would have a preferential claim to appointment in the 'C' Category and those provisionally appointed would revert to their original positions in the seniority list in the 'B' category.

5. This scheme was implemented with effect from 16th October, 1959 with the concurrence of the unions. On that day there were 9 employees in the category of Motor Engine Drivers, 2nd grade in the 'B' cadre holding necessary first class certificates. Later on, one more employee obtained first class certificate.

6. Annexure No. II to the written statement of the Bombay Port Trust gives the seniority list of Motor Engine Drivers, 2nd Grade on 'B' Cadre Vessels in the Deputy Conservator's Department, with whom we have to deal with in this case. There are 14 persons whose names have been given in the annexure according to their seniority mentioning the date of appointment as Driver 2nd Grade, Date of obtaining 1st Class Certificate, Date of promotion to Driver 1st Grade, in the remark column as to when the 6 claimants were reverted to 'B' Cadre as 2nd Grade Motor Engine Drivers. This annexure is marked Ex. L.

7. On 16th October 1959, first grade drivers were to be appointed in the 'C' cadre on the 'Raja' and 'Rudra' and hence the persons mentioned at S. Nos. 3, 5, 7 and 8 namely Sarvashri Isham Abdulla, Dattaram Baburao, Pratap Anant and Adam Fakir Patel, in Ex. L. were promoted and appointed as first grade drivers in the 'C' Cadre vessels, as they were senior-most, holding first class certificate. The person mentioned at S. No. 6 Shri Ibrahim Oomer (Ex. L) obtained first class certificate on 16th October, 1959. He was, therefore, promoted and appointed 1st Grade Driver in 'C' cadre with effect from 21st October 1959.

8. Later on 'Rahul' and 'Raman' were commissioned. Hence 5 posts of first grade drivers in the 'C' Cadre were to be filled in with effect from 1st February 1960. The persons mentioned at S. Nos. 9, 10, 11, 12 and 13 namely Sarvashri Mohan R. Achrekar, Mohiddin Suleman, Maruti K. Kochrekar, Ally Ebrahim Vasta and Abdul Mannan, in the Ex. L. were promoted and appointed as first grade drivers in the 'C' Cadre Vessels as they were holding necessary qualifications. Till this date, the persons mentioned at S. Nos. 1, 2 and 4 namely Sarvashri Abdulla Dawood Dandekar, Cassaum Sk. Ahmed and Ahmed Abdulla Hodekar in Ex. L. had not acquired necessary first class certificate required for promotion to first grade drivers.

9. Diesel training scheme was terminated in March, 1963. By this time 6 persons from the old category 'A' had acquired necessary qualifications to work on Diesel Engine vessels as first grade drivers. Hence they were promoted as first grade drivers in 'C' cadre vessels in place of the employees mentioned at S. Nos. 8 to 13 in Ex. L. with effect from February-March, 1963. On account of this, these employees mentioned at S. Nos. 8 to 13 were reverted to their original posts in 'B' Cadre vessels. These employees are the claimants involved in this reference.

10. Meanwhile, some vacancies occurred in August, 1961 and April, 1962 respectively in the 'B' cadre vessels. Prior to this the employees at S. Nos. 1, 2 and 4 namely Sarvashri Abdulla Dawood Dandekar, Cassum Sk. Ahmed and Ahmed Abdulla Hodekar mentioned in Ex. L. acquired necessary first class certificate required for promotion as first grade drivers. As they were senior-most and as they had acquired necessary qualifications

before the relevant date on which the vacancies occurred, they were promoted and appointed as first grade drivers in 'B' cadre vessels.

11. The employees at S. Nos. 8 to 13 shown in the Ex. L., claim that they should be regarded as senior to the employees mentioned in S. Nos. 1, 2 and 4 mentioned in Ex. L., that on their reversion to 'B' cadre vessels in February-March, 1963, the employees at S. Nos. 1, 2 and 4 should have been demoted and fresh promotions to these posts from out of the employees mentioned at S. Nos. 8 to 13 according to seniority should have been made.

12. Shri S. Maitra, General Secretary of the Bombay Port Trust General Workers' Union on behalf of the employees made representations to the Chairman of the Bombay Port Trust under his letter dated 9th March 1963 (Copy Ex. A.) regarding the grievances of the crew of Port and Engineering Departments of Flotilla in regard to Diesel training scheme.

13. The Bombay Port Trust gave reply to the Union under letter No. L/GEE-G(u)-2191 dated 26th June 1963. It informed the Union as follows:—

"Such of the drivers second grade, who acted as drivers first grade on 'C' cadre vessels and were reverted to 'B' cadre after the conclusion of 3 years training period have been given the same seniority in 'B' cadre as they would have been entitled to, had there been no training scheme. Shri Salim Merchant, in his award in reference No. 10 of 1961 had recognised the fact that 'B' and 'C' are separate channels of promotion. Merely by reason of the fact that a person had officiated as Engine Driver first grade in 'C' cadre, he could not on reversion back to 'B' cadre claim any seniority in 'B' cadre, which but for his transfer to 'C' cadre, he would not have been entitled to claim".

14. As there was no amicable settlement, between the parties, about the grievances of the employees made by the Union, joint application was made to the Central Government for making reference of an industrial dispute existing between them to the Tribunal. The Government, therefore, in exercise of the powers conferred to it by Sub-Section 2 of Section 10 of the I.D. Act, 1947 made this reference to the Tribunal for adjudication.

15. Shri S. Maitra, General Secretary, Bombay Port Trust General Workers' Union has filed written statement on behalf of the workers on 18th November 1966. According to the Union the drivers who had been transferred from 'B' cadre to 'C' cadre on promotion to the posts of Drivers I Grade, were demoted to the post of Drivers second grade. This was not proper, legal and permissible under the terms of Sub-clause 8 of paragraph 31 of the Award of Shri Das Gupta in reference No. 5 of 1957. These drivers i.e. the Motor Engine Drivers, second grade of 'B' cadre vessels, who had been transferred on promotion under the diesel training scheme as Motor Engine drivers first grade to 'C' cadre vessels, are entitled to claim seniority over motor engine drivers of 'B' cadre vessels who had longer length of service, but had secured their first class Motor Engine Drivers competency certificate at a later date and after the said promotions had been effected. They should be therefore given back the seniority alongwith the arrears of wages due for Motor Drivers first grade as has been done in reference No. CGIT-10 of 1961.

16. The Secretary of the Bombay Port Trust has filed written statement on behalf of the Trustees of the Bombay Port Trust, Bombay on 3rd January, 1967. According to the employers, they correctly promoted the senior Motor Engine Drivers to the posts of Motor Engine Drivers first grade in accordance with clause 5 of paragraph 31 of Shri Das Gupta's Award in reference No. 5 of 1957. The entire Diesellisation Scheme was provisional. Any transfers and promotions made by the employers cannot confer any right on the employees so transferred and promoted on an officiating basis to claim seniority upon reversion over other senior Motor Engine Drivers, who have been promoted to vacancies that occurred in 'B' Cadre in the meanwhile, having regard to the provisions of clause 8 of paragraph 31 of Shri Das Gupta's Award in reference No. 5 of 1957. The claim of the claimants or employees to seniority for the purpose of appointment to the posts of Motor Engine Drivers, first grade on 'Sheetal' and 'Sinchen' cannot be entertained as the men promoted on the said 'B' cadre vessels were senior to the claimants and had obtained the necessary qualifications before the date when the vacancies arose. As the Union accepted the principle underlying the Diesellisation Scheme, and took the stand that on reversion of the Drivers first grade from the 'C' cadre to the 'B' cadre they should retain their seniority as existing on the dates of their transfer from cadre 'B' to cadre 'C', it should not, now, be allowed to raise the present inconsistent plea regarding their seniority and its present demand be disallowed.

17. The important point for consideration is whether under the Award of Shri Das Gupta in reference No. 5 of 1957 the Motor Engine Drivers, second grade of 'B' cadre

vessels transferred on promotion under the Diesel Training Scheme as Motor Engine Drivers, Grade first to the 'C' cadre vessels and entitled to claim seniority over the Motor Engine Drivers, Grade II in 'B' cadre who were senior to them in service for the purpose of appointment to vacancies of Motor Engine Drivers, Grade first in 'B' cadre vessels, which arose after the latter had acquired first class Motor Engine Drivers' Certificate of competency. My finding on this point is in the negative for the following reasons:—

18. The relevant portion of the Award of Shri Das Gupta in Reference No. 5 of 1957 is as follows:—

"Para. 31—I have very carefully considered the materials and circumstances of the present case and I lay down some broad principles for guidance in the matter of promotion for the deck crews and the engine room crews of the flotillas—both steam vessels and motor and diesel vessels under the Chief Engineer and the Deputy Conservator.

- (1) Promotion shall be according to seniority cum suitability.
- (5) The question of filling up a vacancy by promotion arises when the vacancy occurs and qualifications and comparative seniority at this relevant point of time shall be the determining factor.
- (6) Vacancies in such posts as are considered qualifying post or post for training for higher tests in the marine service e.g., seacunny on the deck and greaser in the engine room of the motor and diesel vessels may be filled up by men without competency certificate only for period or periods as are considered, by the departmental heads, sufficient to enable them to qualify for the test for higher posts. If the incumbents fail to obtain the competency—certificate within a reasonable time, they shall be reverted to the post they were in immediately before the promotion to afford opportunities to junior workers who have the intention and capacity to qualify and to appear at the test for higher posts for which such certificates are essential.
- (8) Subject to the provisions in rule (6) workmen once promoted shall not be made to revert to his original post on the ground that the man senior in service has acquired the requisite qualification for the promotion subsequent to date when the vacancy occurred. This rule does not apply when the promotion is in respect of a temporary vacancy.

19. In the present case, the three Motor Engine Drivers second grade in the 'B' cadre vessels, mentioned at S.Nos. 1, 2, and 4 in Ex.L. were promoted as first grade drivers in the 'B' cadre vessels on 1st August, 1961, 1st April, 1962 and 1st April 1963—respectively as permanent vacancies had occurred on these dates.

20. The six Motor Engine Drivers second grade in the 'B' cadre vessels mentioned at S.Nos. 8 to 13 in Ex.L. who were promoted as first grade drivers in 'C' cadre vessels reverted to 'B' cadre vessels in Feb.-March, 1963.

21. Shri S. Maitra, General Secretary of the B.P.T. General Workers' Union, on behalf of the employees contends that these six drivers are entitled to claim seniority over Motor Engine Drivers, second grade in 'B' cadre vessels, who had longer length of service but had secured their first class Motor Engine Drivers competency certificate at a later date and after the said promotions had been effected.

22. A perusal of the Ex. L. shows that the Motor Engine Drivers, second grade in the 'B' cadre vessels, mentioned at S. Nos. 1, 2 and 4 are senior to the Motor Engine Drivers, mentioned at S. Nos. 8 to 13 in the same exhibit L., from the point of view of the length of service. They obtained first class certificate on 16th May, 1961, 14th July, 1960 and 20th September, 1960 respectively. They were not holding the certificates when Motor Engine Drivers, mentioned at S. Nos. 8 to 13 were transferred and promoted to first grade Drivers in 'C' cadre vessels. After the transfer of Motor Engine Drivers mentioned at S. Nos. 8 to 13 mentioned in Ex. L. and before their reversion to second grade Motor Engine Drivers in 'B' cadre vessels from 'C' cadre vessels, the Motor Engine Drivers mentioned at S. Nos. 1, 2 and 4 in Ex. L. had obtained first class certificate, necessary for promotion as first grade Motor Engine Drivers. As these drivers mentioned at S. Nos. 1, 2 and 4 in Ex. L. were senior-most, holding necessary certificate, required for promotion to first grade Motor Engine Drivers, at the time when permanent vacancies occurred in 'B' cadre vessels, they were rightly promoted as per clauses 1 and 5 of paragraph 31 in the Award of Shri Das Gupta in reference No. 3 of 1957 as referred to above.

23. Relying on clause 8 of paragraph 31 of Shri Das Gupta's Award in reference No. 5 of 1957, referred to above, Shri Maitra General Secretary for the Union, contends that inasmuch as Motor Engine Drivers, second grade in the 'B' cadre vessels, mentioned at S. Nos. 8 to 13 in Ex. L. were promoted as first grade Drivers in 'C' cadre vessels, during

the period from 16th October, 1959 to 1st February, 1960 as the senior Motor Engine Drivers mentioned at S. Nos. 1, 2 and 4 in Ex. L. were not holding first class certificates required for promotion to first grade Drivers post, they cannot be reverted to their original posts on the ground that the drivers mentioned at S. Nos. 1, 2 and 4 in Ex. L. senior in service acquired the requisite qualification (i.e. obtaining first class certificates) later on i.e. on 16th May, 1961, 14th July, 1960 and 20th September, 1960 respectively. This contention is mis-conceived.

24. Clause 8 of paragraph 31 of Shri Das Gupta's Award in reference No. 5 of 1957, referred to above clearly shows that the rule that the workmen once promoted shall not be made to revert to his original post on the ground that the man senior in service has required requisite qualification for the promotion subsequent to the date when the vacancy occurred does not apply to the promotion in respect of a temporary vacancy. It means that clause 8 of paragraph 31 of Shri Das Gupta's Award, will not help Shri Maitra's stand in respect of Motor Engine Drivers mentioned at S. Nos. 8 to 13 in Ex. L. if their promotions as first grade Drivers in 'C' cadre vessels, from 'B' cadre vessels were temporary and provisional.

25. It is common ground that in order to avoid the retrenchment of Steam Engine Drivers in 'A' cadre vessels and to give them sufficient time for getting necessary training and obtaining necessary first class certificates, required to work as first grade Motor Engine Drivers training scheme was framed, under Resolution No. 1034 dated 8th December, 1959 by the employers with the concurrence of the union. The main features of this Resolution have been mentioned while stating the facts giving rise to this reference. In view of this Resolution, it is crystal clear that the promotion of the Motor Engine Drivers, second grade holding first class certificates in 'B' cadre vessels mentioned at S. Nos. 8 to 13 in Ex. L. to first grade Drivers in 'C' cadre vessels was provisional i.e. temporary and that they were to revert to that original positions in the seniority list in 'B' cadre, upon the Steam Engine Drivers acquiring necessary qualifications and becoming eligible to appointment to those posts of first grade Motor Engine Drivers in 'C' cadre vessels.

26. As the promotions of the six claimants mentioned at S. Nos. 8 to 13 in Ex. L. to first grade Motor Engine Drivers in 'C' cadre vessels were provisional and temporary, they cannot make a grievance of their reversion to their original positions in the seniority list in 'B' cadre vessels. They had no right to hold first grade Motor Engine Drivers post in 'C' cadre vessels for all times i.e. permanently. They were given promotion because the Steam Engine Drivers who were to be promoted to first grade Motor Engine Drivers in 'C' cadre vessels had yet to acquire necessary qualifications and because they were not available at that time. When they became available, the six claimants were naturally reverted to their original posts. Their reversion to the original post is no demotion or reduction in rank. It is not illegal and improper. The ruling reported in 1963 (II) LLJ. Page No. 422 in the Supreme Court of India between the State of Bombay and Abraham (F.A.) supports this view.

27. As the promotions of the six claimants mentioned at S. Nos. 8 to 13 in Ex. L. were provisional, clause 8 of paragraph 31 of Shri Das Gupta Award in Reference No. 5 of 1957 does not apply to the facts of the present case.

28. Reliance is placed on Shri Salim Merchant's Award in Reference No. CGIT-10 of 1961 published in the Gazette of India, November, 25, 1961 Part II Sec. 3(ii) Page 3037. The facts of this reference are different from the facts of the reference which I am deciding. Hence Shri Salim Merchant's Award is not applicable to the present case.

29. Paragraph 2 of Shri Salim Merchant's Award in Reference No. CGIT-10 of 1961 is as follows:—

2. The orders of reversion of the Deputy Conservator which form the subject matter of this dispute related to Shri Abdul Manan and Shri Ally Ebrahim Vasta, both Drivers, 2nd Grade who had been appointed to act on the new diesel tugs in Cadre 'C' from Cadre 'B' on 1st February, 1960. It is admitted that Shri Abdul Manan had joined service on 15th February, 1958 and Shri Ally Ebrahim Vasta on 6th January, 1958. They were replaced by Shri Casmem Shaikh Ahmed & Shri Ahmed Abdulla Hodekar, who were admittedly senior to them in service having joined service on 7th April 1954 and 11th June, 1954 respectively, but who had obtained the Driver 1st Grade's certificate later, on 14th July 1960 and 20th September, 1960, after which dates they replaced Abdul Manan and Ally Ebrahim Vasta respectively on the diesel dock tugs.....

30. Paragraph 19 of Shri Salim Merchant's Award in Reference No. CGIT-10 of 1961 is as follows:—

"19. I, therefore, hold that the orders of the Deputy Conservator reverting these Engine Drivers 1st Class and 2nd Class, shall be cancelled with retrospective

effect from the dates of such reversion and that these appointments be treated as permanent appointments subject only to the claims of crews of Steam Vessels undergoing diesel training".

31. In the present case, which I am deciding, the six claimants mentioned at S. Nos. 8 to 13 in Ex. L. were reverted to their original posts, because six Steam Engine Drivers from the old category 'A' cadre vessels had acquired necessary diesel qualifications by that time and because they were appointed in their places as first grade Motor Engine Drivers in 'C' cadre vessels. Shri Salim Merchant's award referred to above clearly shows that the appointments of Motor Engine Drivers from 'B' cadre vessels to 'C' cadre vessels were subject to the claims of crews of Steam Vessels undergoing diesel training. As the six claimants were reverted to their original posts, because the six Steam Engine Drivers from 'A' cadre vessels who had acquired necessary Diesel qualification were appointed in their places, they cannot make any grievance, relying on Shri Salim Merchant's Award referred to above. This is not a case in which the six claimants are reverted to their original positions in the seniority list in 'B' cadre vessel, by appointing their seniors from 'B' cadre vessels who acquired first class certificate subsequently in their places in 'C' cadre vessels.

32. Shri Salim Merchant has observed in paragraph 15 of his Award in Reference No. CGIT-10 of 1961 as follows:—

"15..... It is further necessary to remember that there are 3 distinct cadres, "governing the channels of promotion", and that Engine Drivers in the 'B' cadre senior in service, but who subsequently qualified, will have avenues of appointments as 1st Class Drivers on diesel vessels which will augment the 'B' cadre as the 'C' cadre is only of those diesel vessels which will replace some existing vessels and does not include vessels which would augment the fleet of the Chief Engineer. Having been appointed in the 'C' cadre their channel of promotion got separated from channel 'B' as channel 'C' is ultimately to absorb channel 'A' as the Steam vessels are to be replaced by the new diesel vessels. It has also to be remembered that as channels 'B' and 'C' are separate channels of promotion, it would be unfair if a driver in channel 'B' with longer service were to replace a cadre 'C' man by reason of his seniority and subsequent qualification".

33. In the present case permanent vacancies occurred in 'B' category vessels in August, 1961 and April, 1962. In these vacancies, the Motor Engine Driver, second grade in 'B' cadre vessels mentioned at S. Nos. 1, 2 and 4 in Ex. L. were promoted as first grade Drivers in 'B' cadre vessels, as they were senior-most, holding necessary qualifications. They were not promoted to the post of first Grade Drivers in 'C' cadre vessels reverting their juniors who were already promoted to the posts of first Grade Drivers in 'C' cadre vessels from 'B' cadre vessels. Motor Engine Drivers from 'C' cadre vessels could not compete for promotion to the posts of first Grade Motor Engine Drivers in 'B' cadre vessels, as the channels of promotion in 'B' cadre and 'C' cadre are different. The six claimants mentioned at S. Nos. 8 to 13 in Ex. L. could not have been appointed in the vacancies, in which Motor Engine Drivers mentioned at S. Nos. 1, 2 and 4 were appointed, because, they were junior to them and because Motor Engine Drivers mentioned at S. Nos. 1, 2 and 4 had already acquired first class certificate before the vacancies had occurred in 'B' cadre vessels. The six claimants cannot claim seniority over the Motor Engine Drivers mentioned at S. Nos. 1, 2 and 4 in the Ex. L. simply because they were promoted to the posts of first grade Driver in 'C' cadre vessels before them.

34. Shri Maitra contends that the Training Scheme in question was only for a period of 3 years and that if the concession granted under the scheme was required to be extended beyond the period of three years, it was necessary to obtain the sanction of the Trustees, but the same was not obtained. He, therefore, contends that after the period of 3 years this scheme should have terminated and that they, i.e., the claimants, should have been treated as permanent employees. This contention cannot be accepted.

35. The dispute in the present case is about promotion to the posts of first grade Motor Engine Drivers in 'B' cadre vessels and not in 'C' cadre vessels. Extension of the training period for dieselisation scheme in order to give adequate opportunities to the Steam Vessel staff to acquire necessary qualification cannot deprive the senior Motor Engine Drivers in the 'B' cadre vessels of their right to promotion which they had secured under paragraph 31 of the Das Gupta Award in reference No. 5 of 1957.

36. The Union accepted the principle underlying the dieselisation scheme. It that the stand that on reversion of drivers first grade from 'C' cadre to 'B' cadre vessels they should retain their seniority as existing on the dates of their transfer from 'B' cadre to 'C' cadre vessels. In view of this it is not open for the Union to take inconsistent stand regarding the seniority of the Motor Engine Drivers promoted from 'B' cadre vessels to 'C' cadre vessels.

37. In short, it would be clear from the above discussion that the demand made by the claimants mentioned at S. Nos. 8 to 13 in Ex. L. cannot be accepted. They are, therefore, not entitled to any relief. In the end I pass the following order:—

ORDER

- (i) Under the Award of Shri Das Gupta, in reference No. 5 of 1957, the Motor Engine Drivers Grade II, of 'B' cadre vessels transferred on promotion under the Diesel Training Scheme, as Motor Engine Drivers Grade I, to the 'C' cadre vessels are not entitled to claim seniority over the Motor Engine Drivers, Grade II in 'B' cadre who were senior to them in service for purposes of appointment to vacancies of Motor Engine Drivers, Grade I, in 'B' cadre which arose after the latter had acquired 1st class Motor Engine Drivers' Certificate of competency.
- (ii) They are not entitled to any relief.
- (iii) Award is made accordingly.
- (iv) No order as to costs.

(Sd.) N. K. VANI,
Presiding Officer,

Central Government Industrial Tribunal No. 2, Bombay.
20/2/69

[No. 28/106/65-LR-IV.]

New Delhi, the 17th March 1969

S.O. 1118.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to Messrs Calcutta Licensed Measurers, Calcutta, and their workmen, which was received by the Central Government on the 12th March, 1969.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE No. 12 OF 1969.

PARTIES:

Employers in relation to Messrs Calcutta Licensed Measurers, Calcutta,

AND

Their workmen

PRESENT:

Shri B. N. Banerjee

Presiding Officer.

APPEARANCES:

On behalf of Employers—Shri D. Basu Thakur, Legal Advisory, Bengal Chambers of Commerce and Industry.

On behalf of Workmen—Shri Janaki Mukherjee, General Secretary, National Union of Waterfront Workers.

STATE: West Bengal

INDUSTRY: Port and Dock.

AWARD

By Order No. 28/3/69-LW-III, dated January 25, 1969, the Government of India, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), referred to this tribunal the following dispute between the employers in relation to Messrs Calcutta Licensed Measurers and their workmen, for adjudication, namely:

"Whether the demand of the reserve workers of the Calcutta Licensed Measurers for permanency is justified?

If so, from what date?

2. Neither party to the dispute filed any written statement. This day, however, both the parties have filed a petition of compromise settling the dispute on terms arrived at before the Deputy Chief Labour Commissioner (Central), Government of India.

3. Now that there is no dispute between the parties, I dispose of the reference in terms of the compromise filed before this tribunal. Let the petition of compromise form part of this award.

(Sd.) B. N. BANERJEE,
Presiding Officer.

Dated, the 5th March, 1969.

BEFORE THE PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL, CALCUTTA

In the matter of an industrial dispute between the Management of Calcutta Licensed
Measurers, Calcutta

AND

Their workmen represented by National Union of Waterfront Workers, 10, Mohan
Chand Road, Calcutta-23.

AND

In the matter of Rereference No. 12 of 1969.

The Employers, i.e., the Calcutta Licensed Measurers and the workmen represented
by the National Union of Waterfront Workers, most respectfully sheweth:

- (1) That the dispute between the parties regarding the Reserve Workers of Calcutta
Licensed Measurers has already been settled before the Deputy Chief Labour
Commissioner (Central), Government of India, on 11th February, 1969.
- (2) That copy of the Memorandum of Settlement arrived at between parties is
enclosed herewith for perusal of the Court.

Under the circumstances, the petitioners pray that a no-dispute award may be passed
and the reference disposed of accordingly.

And for this act of kindness your petitioners shall ever pray.

(Sd.) K. K. MITRA, Secretary.
Calcutta Licensed Measurers.

Calcutta-43.

The March 5, 1969.

Filed by :—

D. Basu Thakur.

D.C.C.I.

5th March, 1969.

National Union of Waterfront Workers.
(Sd.) JANAKI MUKHERJEE,
General Secretary,
National Union of
Waterfront Workers.

Memorandum of Settlement

Parties Present.

Representing the Management

1. Shri K. K. Mitra, Secretary, Calcutta Licensed Measurers.

Representing the workmen.

2. Shri P. K. Ganguly, Working President, National Union of Waterfront Workers.
3. Shri Deb Kumar Ganguli, Joint Secretary, Calcutta Port and Dock Workers' Union.

Short Recital of the case

There was a strike followed by a lock-out in the establishment of Calcutta Licensed Measurers, Calcutta. At the request of the Labour Ministry, the management lifted the lock-out, but the workmen called off the strike later on at the advice of the Labour Minister. The Labour Minister invited the two unions viz., the National Union of Waterfront Workers and the Calcutta Port and Dock Workers Union and the management of Calcutta Licensed Measurers for a discussion to resolve the differences at New Delhi on 10th February, 1969.

In the course of discussion both the unions had demanded (1) conversion of reserve workers as monthly Measuring Porters, (2) enhanced rate of payment of extra shift bookings and (3) payment at double the hourly rates of wages for work done during recess i.e. (meal hours), Sundays and holidays. As a result of the intervention of the Labour Minister and the subsequent discussion before me, during the course of conciliation proceedings, the concerned parties agree as under:

Terms of Settlements

(1) Regarding demand number (1) all the existing reserve workmen will be absorbed as confirmed gearmen with immediate effect. The management will be allowed to introduce double shift system for the gearmen, if found necessary.

(2) As regards demands No. (2) and (3) both the parties agree to start negotiating for revision of wages and for fixation of rates of wages for working extra shifts and also rates for working during recess (meal times), Sundays and Holidays. In case of Calcutta High Court decides that recommendation of the Wage Board would be applicable to these workmen and if the Wage Board's recommendations cover these workmen also the decision of the High Court would prevail. The revised payments will be effective with effect from 1st October, 1969.

(3) The Management agree not to proceed with the chargesheets against 15 workers and the suspension orders against two workers on the assurance given by the unions that the workers concerned would behave properly and would give no occasion of any complaint to the management, regarding their conduct and behaviour.

All efforts will be made by the parties to come to a mutual settlement and for this purpose the preliminary meeting between the unions and the management will take place on the 20th February, 1969. In case no agreement is reached within one month thereafter the matter will be referred to voluntary arbitration under section 10(A) of the I.D. Act, 1947. The arbitrator will be mutually agreed upon by the parties.

Witness

1. Sd./- N. K. BANERJEE.
2. Sd./- R. N. SHARMA.

Signature of the Parties

1. Sd./- K. K. MITRA.
2. Sd./- P. K. GANGULY.
3. Sd./- DEB KUMAR GANGULI.

Sd./- S. C. GUPTA

Deputy Chief Labour Commissioner (Central), New Delhi.

Dated: New Delhi, the 11th February, 1969.

[No. 28/3/69-LWI-III.]

K. D. HAJELA, Under Secy.

(Department of Labour and Employment)

New Delhi, the 12th March 1969

S.O. 1119.—In pursuance of section 17 of the Industrial disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal (No. 2), Dhanbad, in the industrial dispute between the employers in relation to the Saunda Colliery of National Coal Development Corporation Limited, Post Office Saunda, District Hazaribagh and their workmen, which was received by the Central Government on the 5th March, 1969.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT:

Shri Nandagiri Venkata Rao, Presiding Officer.

REFERENCE No. 261 of 1967

In the matter of an industrial dispute under Sec. 10(1) (d) of the Industrial Disputes Act, 1947.

PARTIES:

Employers in relation to the Saunda Colliery of National Coal Development Corporation Limited, Post office Saunda, District Hazaribagh

AND

Their workmen.

APPEARANCES:

On behalf of the employers.—Shri S. S. Mukherjee, Advocate.

On behalf of the workmen.—None.

STATE: Bihar.

INDUSTRY: Coal.

AWARD

The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the Saunda Colliery of National Coal Development Corporation Limited, Post office Saunda, District Hazaribagh and their workmen, by its order No. 2/36/66-LRII, dated 7th September, 1967 referred to this Tribunal under Section 10(1) (d) of the Industrial Disputes Act, 1947 for adjudication the dispute in respect of the matters specified in the schedule annexed thereto. The schedule is extracted below:

SCHEDULE

"Whether Shri Mohammed Ibrahim, Conveyor Shifter of Saunda Colliery of Messrs National Coal Development Corporation Limited, Post office Saunda, District Hazaribagh, is entitled for arrear of wages from the 1st November 1965 to the 6th December, 1965, transfer travelling allowance and return travelling allowance? If so, to what relief is the workman entitled?"

2. The order of reference is dated 7th September 1967. The order shows that its copy was sent by registered post to the Secretary, Khan Mazdoor Congress, Saunda Branch, representing the workmen. In spite of it the workmen did not file their statement of demands. Having fixed the hearing on 25th November 1968 the Tribunal sent notices to the parties. The employers filed their statement of demands but the workmen did not file it. In spite of service of notice the workmen did not choose to appear before the Tribunal. A fresh notice was sent to the Secretary, Khan Mazdoor Congress and the case was adjourned to 27th December 1968. On the adjourned hearing also no one appeared on behalf of the workmen in spite of service of the fresh notice. The case was again adjourned to 2nd January 1969. On this date too no one appeared on behalf of the workmen and, consequently, the case proceeded against the workmen in accordance with Rule 22 of the Industrial Disputes (Central) Rules, 1957. The employers were represented by Shri S. S. Mukherjee, Advocate. On behalf of the employers a witness was examined and Exts. M1 to M6 were marked.

3. According to the statement of demands filed by the employers Shri Mohammed Ibrahim (hereinafter referred to as the affected workman) was a Conveyor shifter in Saunda colliery of the employers. Having found the services of the affected workman and some others as surplus the employers transferred the affected workman from Saunda colliery to Barkakana but the affected workman refused to comply with the transfer order. The employers issued another letter transferring him to Sayal colliery. The affected workman did not proceed to Sayal immediately, pleading that no formal release order had been issued. In spite of the classification that no formal release order was necessary he did not report for duty at Sayal at any time before 7th December 1965. Thus, the case of the employers in short is that from 1st November 1965 to 7th December 1965 the affected workman did not work and did not proceed to Barkakana or Sayal without any valid reason and as such was not entitled to any arrears of wages or transfer allowance for the period. As the workmen did not file their statement of demands the Tribunal had no advantage of knowing their case.

4. From the evidence of MW1. and Exts. M1 to M6 proved by him the case set up by the employers is amply proved. Ext. M3 is a letter of the affected workman saying

that he was determined not to join at Barkakana. Ext. M4 is an office order issued by the employers on 30th November 1965 transferring the affected workman to Sayal colliery with immediate effect. Through the letter, Ext. M.5 dated 3rd December 1965 the affected workman demanded payment of his wages from 1st November 1965 and transfer travelling allowance and return travelling allowance, etc. as a condition precedent to his joining duty at Sayal colliery. When the affected workman refused to go to Barkakana and also to Sayal Colliery and did not work at Saunda colliery, he cannot claim wages or transfer travelling or return travelling allowance from 1st November 1965 to 7th December 1965.

5. I, therefore, find that the affected workman, Shri Mohammed Ibrahim, Conveyor Shifter of Saunda Colliery of Messrs National Coal Development Corporation Limited, Post office Saunda, District Hazaribagh was not entitled for arrears of wages from the 1st November, 1965 to the 7th December, 1965, transfer travelling allowance and return travelling allowance. He is not entitled to any relief. The Award is made accordingly and submitted under Section 15 of the Industrial Disputes Act, 1947.

Sd./- N. VENKATA RAO,
Presiding Officer,
Central Govt. Industrial Tribunal, (No. 2) Dhanbad.
[No. 2/36/66-LRII.]

S.O. 1120.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal (No. 3), Dhanbad, in the industrial dispute between the employers in relation to the Kankanee Colliery of Messrs Bhowra Kankanee Collieries Limited, Post Office Bansjora (Dhanbad) and their workmen, which was received by the Central Government on the 5th March, 1969.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 3) AT DHANBAD

REFERENCE No. 71 OF 1968.

PRESENT :

Shri Sachindanand Sinha, Presiding Officer.

PARTIES :

Employers in relation to the Kankanee Colliery of M/s. Bhowra Kankanee Collieries Co. Ltd.

AND
Their Workman.

APPEARANCES :

For Employers.—Shri K. C. Nandkeolyar, Dy. C.P.O.

For Workmen.—Shri P. Burman, Secretary, Khan Mazdoor Congress.

INDUSTRY: Coal.

STATE: Bihar.

Dhanbad, dated the 19th of February, 1969

AWARD

1. The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the Kankanee Colliery of Messrs Bhowra Kankanee Colliery Ltd., Post Office-Bansjora, District-Dhanbad and their workmen, by its order No. 2/156/66-LRII, dated the 2nd of January, 1967 referred to the Central Government Industrial Tribunal, Dhanbad under section 10(1) (d) of the Industrial Disputes Act, 1947 for adjudication the dispute in respect to the matters specified in the Schedule annexed thereto. The Schedule is extracted below :—

SCHEDULE

"Whether the management of Kankanee Colliery, Post Office Bansjora, District Dhanbad of Messrs Bhowra Kankanee Collieries Limited, of which Messrs Karam Chand Thaper and Brothers (Private) Limited are the managing Agents was justified in dismissing from service Shri Sublaik Singh, Guard with effect from the 18th August, 1966? If not, to what relief is the workman entitled."

2. The Central Government Industrial Tribunal, Dhanbad registered the reference as reference No. 1 of 1967 on its file. While it was pending there the proceeding was transferred to the Central Government Industrial Tribunal, No. 2, Dhanbad by the Central Government's Order No. 8/25/67-LRII dated the 8th of May, 1967 and there it was registered as reference No. 200 of 1967. The Central Government by its subsequent order No. 8/71/68-LRII dated the 13th of August, 1968 transferred the reference to this tribunal and here it has been renumbered as reference No. 71 of 1968.

3. The General Secretary, Khan Mazdoor Congress filed the written statement on behalf of the workman on 30th September 1967. The case made out in the written statement is that the concerned workman Shri Sublaik Singh was charge-sheeted on the allegation that on 6th August 1966 two pipes lines measuring about 48 feet were stolen during his duty hour and that the workman was not alert in his duties which amounted to gross misconduct under sub-section 6 of section 27 of the Standing Orders of the Coal Mining Industry. By the aforesaid charge-sheet Shri Sublaik Singh was asked to show cause within 48 hours as to why disciplinary action should not be taken against him for not performing his duties and pending enquiry the workman was suspended.

4. The plea taken by the concerned workman Shri Sublaik Singh was that the alleged theft took place at a place which was outside his jurisdiction and was far away at a distance of 1000 feet from the place of his duty namely No. 6 Siding Engine House.

5. It was further contended on behalf of the concerned workman that the departmental enquiry was conducted in the most perfunctory manner and the concerned workman Sri Sublaik Singh was not given any opportunity to defend himself and that he was made to sign the records of the enquiry proceedings without contents of the records of the enquiry proceedings being read over and explained to him in Hindi. It was further contended that the allegation contained in the charge-sheet was false, baseless and unfounded. It was further contended that Sri Sublaik Singh, the concerned workman was an active member of Khan Mazdoor Congress and that he was wrongly charge-sheeted and dismissed from his services on 18th August 1966 for his legitimate Trade Union Activities and that the order of dismissal of Sri Sublaik Singh is pure case of victimisation and that he is entitled to be reinstated with full back wages with continuity of service.

6. The employers filed their written statement on 13th January 1969. The case of the management is that the chargesheet No. 48/66 dated 8th August 1966 was issued against the concerned workman Shri Sublaik Singh for the misconduct of neglect of work as per sub-section 6 of section 27 of the Standing Orders inasmuch as during his duty hours on 6th August 1966 two pipe lines were stolen. Pending enquiry the workman concerned was suspended. In his reply to the charge-sheet the workman concerned denied the charge and stated that the said pipes were not stolen under his jurisdiction. Thereupon, after due notice, departmental enquiry was held in which the workman concerned participated and in which he was given full opportunity for cross-examining the management witnesses and to defend himself. The enquiry officer in his report dated 17th August 1966 after considering the evidence adduced by the parties held the concerned workman guilty of the charge. Thereupon the concerned workman was dismissed from service for the proved misconduct by letter dated 18th August 1966. It was also contended by the employers that departmental enquiry was fair and was in keeping with the principles of natural justice and that the action of the management was *bonafide* and justified and the workman is not entitled to any relief.

7. The main point for consideration in this reference is whether the management was justified in dismissing from service, the concerned workman Sri Sublaik Singh, Guard with effect from the 18th of August, 1966. The principles which govern the powers of an Industrial Tribunal to interfere with the decision of the employer following enquiry made by him were laid down by the Supreme Court in the case of *Indian Iron and Steel Co. Ltd. Vs. their workmen* (1959-2 L.L.J.—Page 793).

8. The jurisdiction of an Industrial Tribunal in dealing with an industrial dispute with regard to termination of service or discharge or dismissal of an employee by an employer is of a limited character. The Supreme Court has expressly laid down the limits of the Tribunal's power in several cases, and the principles so enunciated may be summarised as under :—

- (1) In dealing with an industrial disputes arising out of termination of service or discharge or dismissal of a workman, the Industrial Court has the power to enquiry whether the order made by the employer has been passed *mala fide* or with an improper motive, or is the result of a desire to victimise the workman, and whether the order was made after framing a proper charge and holding a proper enquiry.

- (2) If the finding of the Tribunal is that the impugned order has been passed *mala fide* or out of a desire to victimise the workman, the Tribunal should set aside that order.
- (3) Similarly, the Tribunal can interfere with the conclusion reached by the enquiry officer at the domestic enquiry, if the conclusion is perverse and is not justified by any evidence. Similarly, interference would be justified if the domestic enquiry has been conducted unfairly in violation of the principles of natural justice.
- (4) But it is not open to an Industrial Tribunal to sit in appeal over the conclusions of fact recorded at the domestic enquiry. If it is found that the order passed by the employer is based upon findings which are justified by the evidence on record and that the order in question was passed after framing a proper charge and holding a proper enquiry, the Tribunal has no power to interfere with the order made by the employer.
- (5) The Tribunal exceeds its jurisdiction if it proceeds to examine elaborately the evidence adduced in the case, considers the probabilities for itself, examines the reliability of the two rival versions, and then comes to the conclusion that the version of the workman should be preferred to that of the employer.
- (6) Such an approach which is open only to a Court of Appeal on facts is not open to an Industrial Tribunal when dealing with an industrial dispute arising out of an order made by an employer discharging or dismissing a workman, and if such an approach is adopted by the Tribunal, there is an obvious infirmity which vitiates its order reversing the order made by the employer.

9. In the case reported in 1965—1 L.L.J. page 426 Dunlop Rubber Co. India Ltd. and their workmen, the Supreme Court have again observed that the Industrial Tribunal could not act as a court of appeal in scrutinising the evidence and in reaching its own conclusion. The employer must have free hand in the internal management of his own affairs. No outside agency should impose its will unless the action of the employer is lacking in 'bona fide' or is manifestly perverse or unfair. In brief if the enquiry is good and the conduct of management is not *mala fide* or vindictive then of course the tribunal would not try to examine the merits of the findings as though it was sitting in appeal over the conclusion of the enquiry officer.

10. In the instance case the concerned workman Shri Sublaik Singh was chargesheeted on the allegation that on 6th August 1966 two pipe lines measuring about 48 feet were stolen during his duty hours and that the workman was not alert in his duties which amounted to gross misconduct under sub-section 6 of section 27 of the Standing order. The evidence disclosed that two pipe lines in question were as a matter of fact stolen on 6th August 1966 between one to two A.M. during his duty hours. The factum of theft was not denied. The main defence of the concerned workman was that the place from where the theft took place was not within his jurisdiction. The departmental enquiry was conducted by Sri Tribeni Prasad Jha, MW-1 on 16th August 1966 and 17th August 1966. Ext. M-4 is notice of enquiry, on 16th August 1966 Shri Salija Pado Banerjee, Loading Supervisor, (2) Shri D. P. Banerjee, Time-keeper and (3) Shri Nagina Singh were examined. The concerned workman Shri Sublaik Singh cross-examined Shri Salja Pado, Banerjee, Loading Supervisor and he has appended his signature below the statement of Shri Salja Pado Banerjee.

11. The record shows that he declined to cross-examine the other two witnesses D. P. Banerjee and Nagina Singh but he has appended his signature below their statements. At first an attempt was made to show that he did not append his signature below the statements of Salja Pado Banerjee, D. P. Banerjee and Nagina Singh but it was not seriously pressed. The signature of the concerned workman Shri Sublaik Singh appears to be identical in all the pages where he has put his signature and they did not appear to be forged. On 17th August 1966 Shri Baliram Chamar, Guard was examined as witness. The record shows that the concerned workman Shri Sublaik Singh declined to cross-examine him but he has again appended his signature. Shri Sublaik Singh was also cross-examined by the enquiring Officer on 17th August 1966 and has appended his signature below his statement.

12. Ext. M-3 is the report of Salja Pado Banerjee, Loading Supervisor to the manager to the effect that Sublaik Singh, Guard informed him that while he was on duty at No. 3 Siding two pipe lines were stolen during his duty hours at 2 A.M. on 8th August 1966. Before the enquiring officer the concerned workman also admitted that he reported about the theft to Shri Salja Pado Banerjee and he also reported about the theft to Shri Durga Babu, time-keeper. The Sublaik Singh has also stated before me in the cross-examination that the report of theft of material was submitted by him when the material was stolen

from the place of his jurisdiction of duty. Before the enquiring officer Shri S. P. Banerjee, D. P. Banerjee and Nagina Singh had also stated that the jurisdiction of the night guard Sublaik Singh was started from No. 6 Siding engine to culvert of the Rly. line including the pipe lines and the surrounding of the depot at No. 3 Siding.

13. Under these circumstances the enquiring officer rightly found him guilty of negligence of duty resulting in theft of the pipe lines.

14. In this case I also find that there is no evidence that the management was guilty of unfair labour practice and that the concerned workman was victimised by the management. Moreover a finding as to *mala fide* or victimisation can only be drawn where the evidence has been led to justify the same and that such finding should not be made either in a casual manner or light heartedly. In the instance case there is no evidence at all that the concerned workman was victimised or that the action of the management was *mala fide*. The departmental enquiry conducted by the management was fair and the conclusion was based on the evidence on records.

15. In this view of the case I find that the dismissal of the concerned workman Shri Sublaik Singh was justified. I am unable to find any infirmity in the enquiry proceeding and in the report of the enquiring officer. Under the circumstances mentioned above I am satisfied that the dismissal of Shri Sublaik Singh, Guard was justified and the workman is not entitled to any relief.

16. This is my award. It may be submitted to the Central Government under section 15 of the Industrial Disputes Act, 1947.

(Sd.) SACHIDANAND SINGH,
Presiding Officer.

Central Govt. Industrial Tribunal-cum-Labour Court
No. 3, Dhanbad.

[No. 2/156/66-LRI.]

New Delhi, the 13th March 1969

S.O. 1121.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal (No. 3), Dhanbad, in the industrial dispute between the employers in relation to the Khas Kusunda Colliery of Messrs. Khas Kusunda Coal Company (Private) Limited, Post Office Kusunda, District Dhanbad, and their workmen, which was received by the Central Government on the 6th March, 1969.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 3), AT DHANBAD

REFERENCE NO. 48 OF 1968

PRESENT :

Shri Sachidanand Sinha, Presiding Officer.

PARTIES:

Employers in relation to the Khas Kusunda Colliery.

Vs.

Their Workmen.

APPEARANCES :

For Employers: Shri S. S. Mukherjee, Advocate.

INDUSTRY: Coal.

STATE: Bihar.

Dhanbad, dated the 21st of February, 1969

AWARD

1. The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the Khas Kusunda Colliery of M/s. Khas Kusunda Coal Co. (P) Ltd., Post Office—Kusunda, District—Dhanbad and their workmen, by its order No. 2/133/66-LRII., dated the 10th of October, 1966 referred to the Central Government Industrial Tribunal, Dhanbad under section 10(1)(d) of the Industrial Disputes Act, 1947

for adjudication the dispute in respect of the matter specified in the schedule annexed thereto. The Schedule is extracted below :—

SCHEDULE

"Whether the management of Khas Kusunda Colliery was justified in refusing employment to S/Shri Shankar Rewani, Line Mistry, and Jyoti Rewani, General Mazdoor, with effect from the 11th October, 1965 and the 21st December, 1965 respectively? If not, to what relief are the workmen entitled?"

2. The Central Government Industrial Tribunal, Dhanbad registered the reference as reference No. 140 of 1966 on its file. While it was pending there the proceeding was transferred to the Central Government Industrial Tribunal, No. 2, Dhanbad by the Central Government by its order No. 8/25/67-LRII., dated the 8th of May, 1967 and there the reference was numbered as reference No. 177 of 1967. The Central Government by its subsequent order No. 8/71/68-LR-II., dated the 13th of August, 1968, transferred the dispute to this Tribunal and here it has been renumbered as reference No. 48 of 1968.

3. The General Secretary, Mine Mazdoor Union filed the written statement on 15th December, 1966 on behalf of the concerned workmen. Their case is that the management verbally suspended Shankar Rewani without any reason or justification from 11th October, 1965, and similarly suspended Joyti Rewani from 21st December, 1965. The union raised an industrial dispute before the Assistant Labour Commissioner (C), Dhanbad regarding both the workmen on 27th December, 1965, which ended in a settlement between the parties on 23rd June, 1966, whereupon the management agreed to reinstate these workmen on their reporting for duty. The concerned workmen accordingly went to the colliery to report for work but the management instead of allowing them to resume work, got them assaulted by their own men and drove them out of the colliery premises. According to the workmen they were the members of Mine Mazdoor Union and the management was very much hostile towards this union and therefore, they were not allowed to resume their duties. Therefore, according to them the action of the management in refusing work to these workmen viz., Sri Shankar Rewani and Joyti Rewani from 11th October, 1965 and 21st December, 1965 respectively was unjust, illegal and mala fide.

4. The employers in their written statement have contended that Shri Shankar Rewani was working as Line Mistry at the relevant time. He however, absented without any permission or authorised leave since 11th October, 1965. Shri Shankar Rewani did not report for duty in spite of the letter dated 1st December, 1965, written by the management to him.

5. Shri Joyti Rewani was working as a General Mazdoor and he also absented himself from 21st December, 1965 without any permission or authorised leave. A chargsheet dated 8th January, 1966 was sent to him by registered post which came back undelivered.

6. The Mine Mazdoor Union filed complaint before the Assistant Labour Commissioner, Central, Dhanbad alleging that the workmen concerned were prevented from joining their duties. Through intervention of the Assistant Labour Commissioner, Dhanbad a final settlement was entered into on 23rd June, 1966 by which they were to report for duties at once and their period of absence from their respective dates of unauthorised absence was to be treated as leave without wages for the purpose of continuity of service only. Shri Shankar Rewani did not report for duties at any time after 23rd June, 1966. In respect to Shri Joyti Rewani it was stated that he came on 29th June, 1966 and was issued a joining slip by the manager. He however, after recording his attendance did not join his duties at all and at the instigation of some interested persons left the colliery and is remaining absent since then. Therefore, they denied that Shri Shankar Rewani was refused employment on 11th October, 1965 and Shri Joyti Rewani was refused employment on 21st December, 1965.

7. As stated above this reference was originally referred by the Government of India by its order No. 2/133/66-LRII dated the 10th of October, 1966 and was transferred to this tribunal by the Central Government order No. 8/71/68-LRII., dated the 13th of August, 1968. 10th December, 1968 and 25th December, 1968, were the date fixed for hearing of this reference before this tribunal but on both the dates none appeared on behalf of the workmen. Thereafter the reference was adjourned to 14th January, 1969. On that date Sri P. Burman, Vice President, Mine Mazdoor Union filed a petition stating that the union does not intend to contest the case of Shri Shankar Rewani, the concerned workman in his dispute as he has settled the dispute with the employer. But as regards Shri Joyti Rewani the other concerned workman it was submitted that they would contest the case and prayed for adjournment. Consequently the reference was adjourned to 19th February, 1969. The workmen were reprimanded that if they failed to appear on

that date i.e., on 19th February, 1969, the case shall be heard *ex-parte*. Despite this the workmen did not appear on 19th February, 1969 nor did they file any petition for adjournment. In this view of the case I was compelled to hold *ex-parte* hearing in the matter.

8. It is admitted in this case that at the intervention of the Assistant Labour Commissioner a settlement was arrived at on 23rd June, 1966, and by the terms of settlement Shri Shankar Rewani and Joyti Rewani were permitted to resume their duties with immediate effect with continuity of service with leave without pay for the intervening period.

9. The case of the management is that in spite of the settlement Shri Shankar Rewani did not report for duty. Shri Shankar Rewani swore an affidavit on 19th October, 1967 before the Magistrate First Class at Baghmara to the effect that the union did not allow him to join the work and though the management was agreeable to allow him to work and that he was prevented by the official of the Union from joining his duties.

10. MW-1 Shri K. P. Mazumdar, the manager of the colliery has also stated that after Shankar Rewani swore the affidavit before the magistrate on 19th October, 1967, he has been taken in employment and is now working under the management as Line Mistry. Shri P. Burman, Vice President of the Mine Mazdoor Union has also stated in his petition dated 14th January, 1969 that Shri Shankar Rewani has settled his dispute with the employer. Therefore, on this date no dispute exists between Shri Shankar Rewani and the management.

11. According to the management Shri Joyti Rewani reported for duty on 29th June, 1966 and that he was allowed by the manager to join his duty and he was also given joining slip by the manager to resume his duty and accordingly Shri Joyti Rewani reported to the attendance clerk at the attendance cabin and the attendance clerk booked his attendance but Shri Joyti Rewani did not go underground on the contrary went away from the attendance cabin after getting his attendance booked and Shankar Rewani never reported for duty thereafter. MW-1 Shri K. P. Mazumdar, the manager has also put his oath on that point and has stated in his evidence that on that day Shri Joyti Rewani recorded his attendance but he did not go underground and left the colliery and went away. In his letter to the Assistant Labour Commissioner dated 30th April, 1966, he complained that Joyti Rewani presented himself for duty on 29th June, 1966, and the attendance clerk had booked his attendance but Shri Joyti Rewani never went underground.

12. Therefore, the evidence discussed above goes to show that Shri Shankar Rewani did not report for his duty and that the management was prepared to allow him to resume his duty. He was consequently not refused employment and therefore, he is not entitled to any relief.

13. I therefore, hold that no dispute exists with Shri Shankar Rewani as he is at present working under the management. I also further hold that the management had not refused employment to Shri Joyti Rewani and that he is not entitled to any relief.

14. This is my award. It may be submitted to the Central Government under section 15 of the Industrial Disputes Act, 1947.

(Sd.) SACHIDANAND SINHA,

Presiding Officer,

Central Government Industrial Tribunal-cum-

Labour Court (No. 3), Dhanbad.

[No. 2/133/66-LR.II.]

S.O. 1122.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal (No. 2), Dhanbad, in the industrial dispute between the employers in relation to the management of Bararee Colliery No. 5 Pit of Messrs East Indian Coal Company Limited, Post Office Jealgora (Dhanbad) and their workmen which was received by the Central Government on the 7th March, 1969.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
(NO. 2) AT DHANBAD

PRESENT:

Shri Nandagiri Venkata Rao, Presiding Officer.

REFERENCE No. 271 OF 1967

In the matter of industrial dispute under Sec. 10(1) (d) of the Industrial Disputes Act, 1947.

PARTIES

Employers in relation to the management of Bararee Colliery No. 5 Pit of Messrs. East Indian Coal Company Limited, Post Office Jealgora (Dhanbad) and their raising Contractors Messrs. G. S. Atwal and Company (Asansol), G. T. Road, Asansol on the one part.

AND

Their workmen of the other part.

APPEARANCES:

On behalf of the employers No. 1.—Shri J. N. P. Sahi, Labour Adviser, Messrs. East Indian Coal Company Limited.

On behalf of the employers No. 2.—Shri B. K. Lath, Labour Adviser, Messrs G. S. Atwal and Company (Asansol).

On behalf of the Workmen.—Shri Pritish Chanda, President, Bihar Coal Miners Union.

STATE: Bihar.

INDUSTRY: Coal.

Dhanbad, 3rd March, 1969

AWARD

The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the management of Bararee Colliery No. 5 Pit of Messrs East Indian Coal Company Limited, Post Office Jealgora (Dhanbad) and their raising Contractors Messrs. G. S. Atwal and Company (Asansol), G. T. Road, Asansol on the one part and their workmen on the other part, by its order No. 2/62/67-LR-II, dated 25th September, 1967 referred to this Tribunal under Section 10(1) (d) of the Industrial Disputes Act, 1947 for adjudication the dispute in respect of the matters specified in the schedule annexed thereto. The schedule is extracted below:—

SCHEDULE

“Whether the action of the management of Bararee Colliery No. 5 Pit of Messrs East Indian Coal Company Limited, Post Office Jealgora and their contractors Messrs G. S. Atwal and Company (Asansol), Post Office Asansol in suspending the work of the said colliery with effect from the 1st December, 1966 and laying-off of the workmen was justified? If not, to what relief, are the workmen entitled?”

2. Employers as well as the workmen filed their statements of demands.

3. The workmen were represented by Shri Pritish Chanda President, Bihar Coal Miners Union and employers No. 1, by Shri J. N. P. Sahi, Labour Adviser, Messrs East Indian Coal Company Limited and employers No. 2, Shri B. K. Lath, Labour Adviser, Messrs. G. S. Atwal and Company (Asansol). On 13th February, 1969 parties filed a compromise memo stating that the dispute involved in the reference was settled in terms of the compromise. The compromise memo was duly verified. The award is made in terms of the compromise and the compromise memo is made part of the award. The award is submitted under Section 15 of the Industrial Disputes Act, 1947.

Sd./- N. VENKATA RAO,

Presiding Officer.

Central Government Industrial Tribunal, (No. 2), Dhanbad.

BEFORE THE PRESIDING OFFICER CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 2.
DHANBAD.

REFERENCE No. 271 OF 1967

BETWEEN

Employers in relation to the management of Bararee Colliery No. 5 Pit of M/s. East Indian Coal Company Ltd. and their raising Contractors M/s. G. S. Atwal & Company (Asansol).

AND

Their workmen represented by the Bihar Coal Miners Union.

Memorandum of Settlement

All the parties to the present proceedings have amicably settled the disputes involved in the present reference on terms hereinafter stated.

1. The workmen concerned in the present reference are the ex-employees of the Contractors M/s. G. S. Atwal and Company (Asansol) and not of M/s. East Indian Coal Company Ltd.

2. The workmen concerned shall not press any monetary claim of whatsoever nature against M/s. East Indian Coal Company Ltd., in respect of their services rendered while in the employment of M/s. G. S. Atwal & Co. (Asansol).

3. The East Indian Coal Company Ltd. hereinafter referred to as the Company, shall reopen and work Bararee Colliery No. 5 Pit herein concerned under its direct management. The Union concerned shall co-operate with the management in the peaceful and disciplined and efficient working of the Colliery.

4. For the purpose of working the colliery herein concerned as aforesaid, the Company may, at its discretion, transfer to it, from its other mines, workmen who may be found surplus to the requirements of those mines, to the maximum extent of 80 (eighty) workmen belonging to different categories.

5. Shri M. C. Paramanik was employed by M/s. G. S. Atwal & Co. (Asansol) as wagon loading Contractor at No. 5 Pit Bararee Colliery while they were the raising Contractors at that Pit. Shri M. C. Paramanik employed about 70 labourers for wagon loading at that Pit. The East Indian Coal Co. Ltd. agrees to continue to employ the said Shri M. C. Paramanik as Wagon Loading Contractor.

6. Besides the aforesaid workmen, the Company shall also, to begin with, take in its employment in the colliery at least 200 (two hundred) workmen who were working in the employment of M/s. G. S. Atwal & Co. (Asansol) when they were the Raising Contractors of the Colliery. The Company shall thereafter absorb as many ex-workmen of the Colliery who had been working in the employment of M/s. G. S. Atwal & Co. (Asansol) as possible according to the needs of the Colliery. The workmen so taken in the employment of the Company shall not be entitled to any wages or compensation for any period prior to their respective dates of employment in the Company's service as hereinafter provided but subject to Clause-10 below.

7. Shri Pritish Chandra, President of the Union, shall give to the Company a complete and category-wise list of workmen who were working in the Colliery in the employment of M/s. G. S. Atwal & Co. (Asansol). The Company shall scrutinise the said list and verify the same with the relevant available records. The Company shall not consider the case of any persons who are not included in the said list and of also those who, even if included, are found not to have worked in the colliery under M/s. G. S. Atwal & Co. (Asansol).

8. The Company shall, from time to time, call upon the required number of workmen to report for work in the Colliery on the appointed date and at the appointed time by pasting notices on its notice boards, giving a weeks notice in the matter and shall also send copies of the notices to the Union.

9. In the event of the failure of the workmen to report for work as aforesaid, the Company shall be free to recruit the requisite number of workmen from any other sources.

10. The ex-workmen of M/s. G. S. Atwal & Co. (Asansol) who would be given employment in the Colliery in the Company's service as aforesaid shall be given the benefit

*of the length of their services under their former employers for purposes of computation of their retrenchment compensation according to law, if any occasion arises in future provided, however, that they were members of the Coal Mines Provident Fund during their service under their former employers. Continuity of service so guaranteed to such workmen will, however, not confer any other benefit on them *vis-a-vis* the workmen employed in the Company's other mines or otherwise. The rest of the workmen who were in the service of M/s. G. S. Atwal & Co. (Asansol) who were not members of the Coal Mines Provident Fund and given employment in the service of the Company as aforesaid shall be treated as new entrants without such benefit of length of service under their former employers.

11. The Company shall commence work at the Colliery as aforesaid as early as possible but not later than the first Monday after a fortnight from the date on which the Union supplies to the Company the complete and categorywise list of the *ex-workmen* of M/s. G. S. Atwal & Co. (Asansol) who were found working in the Colliery immediately prior to the stoppage of work of the Colliery.

12. M/s. G. S. Atwal & Co. (Asansol), the employers of the workmen concerned, have paid to them all their legal dues in respect of their service in the Colliery.

13. The workmen have no further claim against M/s. East Indian Coal Co. Ltd. or M/s. G. S. Atwal & Co. (Asansol) for the suspension of work of the Colliery and/or lay-off. The workmen shall have no right to employment under M/s. G. S. Atwal & Co. (Asansol).

14. M/s. G. S. Atwal & Co. (Asansol) shall take necessary steps for the withdrawal of the criminal case which was instituted by the State at their instance against M/s. K. B. Dhadwal and S. Chandra.

15. M/s. G. S. Atwal & Co. (Asansol) shall appear in the certificate cases now pending before the Certificate Officer, Dhanbad, for recovery of bonus of certain workmen employed in the Colliery when they were in the management of the Colliery and shall also absolve the Company from any liability in that behalf.

16. M/s. G. S. Atwal & Co. (Asansol) and M/s. East Indian Coal Co. Ltd. have no further claim against each other on any account whatsoever, except for the sum of Rs. 3 lakhs (Rupees three lakhs) as mentioned in clause 12 at page 6 of the letter dated 31st May, 1968 from M/s. G. S. Atwal & Co. (Asansol) and M/s. Surjit & Surrinder Investment (P) Ltd.,

17. The above terms finally resolve the dispute between the parties and, therefore, there is no subsisting dispute for adjudication in the present Reference.

18. The parties shall bear their own costs of these proceedings.

19. It is prayed that the Tribunal may be pleased to accept this settlement and to give its award in terms thereof.

For the workmen

(Sd.) PRITISH CHANDA,
President,
Bihar Coal Miners' Union.

*For G. S. Atwal &
Company (Asansol)*

(Sd.) BHUPINDER SINGH ATWAL,
Partner.

(Sd.) B. K. LATH,
Labour Adviser.

*For East Indian Coal
Company Limited*

(Sd.) J. J. EVANS,
Chief Mining Engineer.

(Sd.) S. S. MUKHERJEE,
(Sd.) J. N. P. SAHI,

Dated 13th February, 1969

Labour Adviser.

[No. 2/62/67-LR-II.]

New Delhi, the 15th March 1969

S.O. 1123.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the management of Ningha Colliery, Post Office Kalipahari District Burdwan and their workmen, which was received by the Central Government on the 12th March, 1969.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE NO. 9 OF 1969

PARTIES :

Employers in relation to the Ningha Colliery,

AND

Their workmen.

PRESENT:

Shri B. N. Banerjee

Presiding Officer.

APPEARANCES:

On behalf of Employers—Sri D. Basu Thakur, Advocate.

On behalf of workmen—Absent.

STATE: West Bengal.

INDUSTRY: Coal Mines.

AWARD

By Order No. 6/70/68-LRII, dated January 14, 1969, the Government of India, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) referred the following dispute between the employers in relation to the Ningha Colliery and their workmen, to this Tribunal, for adjudication, namely:—

"Whether the management of Ningha Colliery, Post Office Kalipahari, District Burdwan (West Bengal), was justified in designating the following workmen as Depot Mazdoors and not as Wagon Shunters in contravention of the mutual settlement dated the 16th January, 1968 :

1. Shri Munilal Nunia,
2. Shri Putia Dhangar,
3. Shri Kailash Nunia,
4. Shri Bhola Nunia,
5. Shri Nandu Bhuia,
6. Shri Nagina Nunia,
7. Shri Mangla Bhuia.

If not, to what relief are these workmen entitled?"

2. At first there was an *ex-parte* application made for passing a 'no dispute' award by the Agent, Lodhna Colliery, Co (1920) Ltd. That application is now conceded to be misconceived. This day another application has been filed for settling the dispute, that is to say conceding everything that had been agreed upon on January 16, 1968 and also giving something more. After the settlement no dispute remains. I, therefore, dispose of the reference in terms of the petition filed before this tribunal to-day and I hold that there is no further dispute between the employers and the employees. Let the petition filed before this tribunal to-day form part of this award.

This is my award.

(Sd.) B. N. BANERJEE,

Presiding Officer.

Dated, March 5, 1969.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
CALCUTTA

REFERENCE NO. 9 OF 1969

Employers in relation to the Ningha Colliery, P.O. Kalipahari, Burdwan

AND

Their workmen.

The humble petition of the company most respectfully sheweth:

That the company hereby agrees to designate the following workmen as Wagon Shunters as per settlement dated the 16th January, 1968 :

1. Shri Munilal Nunia
2. Shri Putia Dhangar.

3. Shri Kailash Nunia
4. Shri Bhola Nunia
5. Shri Nandu Bhuia
6. Shri Nagina Nunia.
7. Shri Mangla Bhuia

2. That the above seven employees be ungraded in category II as per settlement dated 16th January, 1968.

3. An award may be passed in terms of the above.

And for this act of kindness your petitioner as in duty bound shall ever pray.

Sd./ ILLEGIBLE,
Agent, Ningah Colliery.

Filed by:—

D. Basu Thakur, Advocate.

[No. 6/70/68-LR-II.]

ORDERS

New Delhi, the 12th March 1969

S.O. 1124.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the managements of (1) New Chirimiri Ponri Hill Colliery, Post Office Chirimiri and (2) West Chirimiri Colliery, Post Office Chirimiri and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, Jabalpur, constituted under section 7A of the said Act.

SCHEDULE

Whether the managements of (1) New Chirimiri Ponri Hill Colliery, Post Office Chirimiri and (2) West Chirimiri Colliery, Post Office Chirimiri, having regard to their financial capacity are justified in not paying variable dearness allowance as per the recommendations of the Wage Board for the Coal Industry with effect from the 1st April, 1968? If so, what should be the quantum of variable dearness allowance in the above mentioned collieries?

[No. 1/2/69-LR.II.]

New Delhi, the 14th March 1969

S.O. 1125.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of South Jhagrakhand Colliery of Jhagrakhand Collieries (Private) Limited, Post Office Jhagrakhand Colliery, District Surguja (Madhya Pradesh) and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Jabalpur, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of North, South and West Jhagrakhand Collieries of Messrs. Jhagrakhand Collieries (Private) Limited was justified in denying 15 days Sick leave with pay to their weekly paid workmen? If not, to what relief are these workmen entitled?

[No. 1/6/68-LR.II.]

S.O. 1126.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Maduband Colliery of Messrs. Oriental Coal Company Limited, Post Office Nudkharkee, District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government consider it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal (No. 3), Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the action of the management of Madhuband Colliery of Messrs. Oriental Coal Company Limited, Post Office Nudkharkee, District Dhanbad, in refusing work to Shri Ritu Mahato, Miner with effect from the 27th November, 1967 was justified? If not, to what relief is the workman entitled?

[No. 2/20/69-LRII.]

S.O. 1127.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Alkusha Gopalpur Colliery, Post Office Samdi, District Burdwan and their workmen in respect of the matters specified in the Schedule hereto annexed:

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of the Alkusha Gopalpur Colliery, Post Office Sandi, District Burdwan was justified in stopping Sri Basist Singh, Chaprasi from work with effect from the 27th August, 1968? If not, to what relief is he entitled?

[No. 6/4/69-LRII.]

S.O. 1128.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of South Jhagrakhand Colliery of Jhagrakhand Collieries (Private) Limited, Post Office Jhagrakhand Colliery, District Surguja (Madhya Pradesh) and their workmen in respect of the matters specified in the Schedule hereto annexed:

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Jabalpur, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of South Jhagrakhand Collieries of Messrs. Jhagrakhand Collieries (Private) Limited, Post Office Jhagrakhand, District Surguja was justified in denying extension of period of employment to the following workmen with effect from the 27th February, 1968? If not, to what relief are the workmen entitled?

1. Shri Sitaram Son of Sau,
2. Shri Chabraj, Son of Bhilet,
3. Shri Ramlakhan, Son of Jagmohan.

[No. 5/58/68-LRII.]

New Delhi, the 15th March 1969

S.O. 1129.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Patmohana Colliery, and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of Patmohana Colliery owned by Messrs. Patmohana and Bharatchak Collieries (Private) Limited, Post Office Sitarampur, District Burdwan was justified in suspending/stopping from work the following workmen from the dates shown against each:

1. Shri Kishan Harijan	Pick Miner	29th August, 1968
2. Shri Amru Harijan	Pick Miner	29th August, 1968
3. Shri Hiralal Harijan	Pick Miner	29th August, 1968
4. Shri Bikram	Pick Miner	29th August, 1968
5. Shri Natha Rajbhar	Pick Miner	29th August, 1968
6. Shri Narain Harijan	Pick Miner	29th August, 1968
7. Shri Ranjit Harijan	Pick Miner	29th August, 1968
8. Shri Gunjan Rajbhar	Pick Miner	30th August, 1968
9. Shri Bidyanand Gowala	Pick Miner	30th August, 1968
10. Shri Haricharan Gowla	Pick Miner	30th August, 1968

If not, to what relief are these workmen entitled?

[No. 6/102/68-LRII.]

S.O. 1130.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Sitalpur Pit No. 4 Colliery of Messrs Bengal Coal Company Limited, Post Office Disergarh, District Burdwan and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of Sitalpur Pit No. 4 Colliery of Messrs Bengal Coal Company Limited, Post Office Disergarh, District Burdwan was justified in terminating the services of their workman Shri Basir Khan, Boiler Khalasi with effect from the 2nd September, 1967? If not, to what relief is the workman entitled?

[No. 6/94/68-LRII.]

BALWANT SINGH, Under Secy.

(Department of Labour and Employment)

New Delhi, the 12th March, 1969

S.O. 1131.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government, having regard to the location of the Factory, namely, the Text Book Press, Bhubaneswar, in an implemented area, hereby exempts the said factory from the payment of the employers' special

contribution leviable under Chapter VA of the said Act for a further period up to and inclusive of the 17th December, 1969.

[File No. 6/10/69-HI.]

S.O. 1132.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government having regard to the location of the factory, namely, the Government Press, Shoranpur, in an implemented area, hereby exempts the said factory from the payment of the employers special contribution leviable under Chapter VA of the said Act for a further period up to and inclusive of the 9th December, 1969.

[File No. 6/12/69-HI.]

New Delhi, the 15th March 1969

S.O. 1133.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (19 of 1962), the Central Government hereby appoints Shri Krishnalal Banerjee to be an Inspector for the whole of the State of West Bengal and the union territories of Tribura and Andaman and Nicobar Islands, for the purposes of the Act and of any Scheme framed thereunder, in relation to any establishment belonging to, or under the control of, the Central Government or in relation to any establishment connected with a railway company, a major port, a mine or an oil-field or a controlled industry.

[No. 21(6)/68-PF.I.]

New Delhi, the 17th March 1969

S.O. 1134.—Whereas the Central Government is satisfied that the employees of the Posts and Telegraphs Motor Service Workshop, Bombay, belonging to the Government of India in the Department of Communications, Post and Telegraphs Board, are otherwise in receipt of benefits substantially similar to the benefits provided under the Employees' State Insurance Act, 1948 (34 of 1948),

Now, therefore, in exercise of the powers conferred by section 90 of the said Act, and in continuation of the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation, (Department of Labour and Employment) S. O. No. 202 dated the 8th January, 1968, the Central Government hereby exempts the above mentioned factory from all the provisions of the said Act for a further period of one year with effect from the 15th January, 1969.

[No. F. 6(1)/69-HI.]

S.O. 1135.—In exercise of the powers conferred by sub-section (3) of section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 30th day of March, 1969, as the date on which the provisions of Chapter IV (except sections 44 and 45 which have already been brought into force) and Chapters V and VI (except sub-section 1 of section 76 and sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Punjab, namely:—

Sl. No.	Name of Area	Name of Village	Had Bast No.
1.	Birang (District Jullundur)	Birang	224
2.	Puragpur (District Jullundur)	Puragpur	225
3.	Basti Baba Khall (District Jullundur)	Basti Baba Khail	311
4.	Jalampur Awana (District Ludhlana)	Jamalpur Awana	177

[No. F. 13(7)/69-HI.]

S.O. 1136.—Whereas the Central Government is satisfied that the employees of the Government Telegraph Stores, Bombay, belonging to the Government of India, in the Department of Communications, Posts and Telegraphs Board are otherwise in receipt of benefits substantially similar to the benefits provided under the Employees' State Insurance Act, 1948, (34 of 1948);

Now, therefore, in exercise of the powers conferred by section 90 of the said Act, and in continuation of the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation, (Department of Labour and Employment) S.O. No. 203, dated the 8th January, 1968, the Central Government hereby exempts the above-mentioned factory from all the provisions of the said Act for a further period of one year with effect from the 15th January, 1969.

[No. F. 6(1)6/69-HI.]

S.O. 1137.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government, having regard to the location of the Central Dairy, Government Milk Supply Scheme, Poona, in an implemented area, hereby exempts the said dairy from the payment of the employers' special contribution leviable under Chapter VA of the said Act for the period up to and inclusive of the 7th December, 1969.

[No. F. 6/16/69-HI.]

DALJIT SINGH, Under Secy.

(श्रम नियोजन और पुनर्वास संश्लेष्य)

(श्रम और नियोजन विभाग)

नई दिल्ली, 15 मार्च, 1969

अधिसूचना

एस० ओ०^ए 1138.—कर्मचारी भविष्य निधि अधिनियम, (1952 का 19) की धारा 13 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के और तदधीन विरचित किसी स्कीम के प्रयोजनों के लिए, केन्द्रीय सरकार के या केन्द्रीय सरकार के नियंत्रणाधीन के किसी स्थापन के सम्बन्ध में या किसी रेल कम्पनी, महापञ्चन, खान या तेल क्षेत्र, या किसी नियंत्रित उद्योग से सम्बद्ध किसी स्थापन के सम्बन्ध में संपूर्ण पश्चिमी बंगाल राज्य तथा त्रिपुरा और अण्डमान और निकोबार द्वीप संघ राज्यक्षेत्रों के लिए श्री कृष्ण लाल बनर्जी को पतद्द्वारा निरीक्षक नियुक्त करती है।

[सं० 21(6)/68-म० नि०-1]

दलजीत सिंह, अवर सचिव ।

(Department of Labour and Employment)

New Delhi, the 13th March 1969

S.O. 1139.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the National Tribunal, Calcutta, in the matter of application under Section 33A of the said Act from Shri S. S. Agate represented by O.N.G.C. Employees Mazdoor Sabha, GPL Branch, Baroda, which was received by the Central Government on the 5th March, 1969.

NATIONAL TRIBUNAL AT CALCUTTA
MISCELLANEOUS APPLICATION No. NIT-2 OF 1968
(Arising out of Reference No. NIT 5 of 1967)

PARTIES

Shri S. S. Agate, C/o. ONGC Employees Mazdoor Sabha, GPL Branch, Baroda—
Applicant.

Vs.

The General Manager, ONGC, W. Region, Baroda.

AND

The Executive Engineer, ONGC, GPL, Elempecco Building, Sayaji Ganj, Baroda—
Opp. party.

PRESENT:

Shri B. N. Banerjee, Presiding Officer.

APPEARANCES:

On behalf of Applicant—Absent

On behalf of Opp. party.—Mr. Monotosh Mukherjee, Counsel.

STATE: Gujarat.

INDUSTRY: Oil and Gas.

AWARD

This is an application under Section 33A of the Industrial Disputes Act, 1947, alleging that the termination of the services of the applicant was illegal and praying for reinstatement.

2. The main reference has long been disposed of. This application was presented before my learned predecessor as far back as January 19, 1968. After his retirement, the matter was transferred to myself only on December 12, 1968. By an order dated January 20, 1969, the matter was fixed today for peremptory hearing. Although the workman had received notice of fixation of the peremptory date, he did not care to appear to-day.

3. Mr. Monotosh Mukherjee, learned Counsel, appears for the employer. He invited my attention to the reply filed and to the terms of appointment of the workman, from which it will appear that the workman was appointed to a temporary post with the provision:

“(iii) He/She will be on probation for a period of one year from the date of appointment. This period may be extended at the discretion of the Appointing Authority, if necessary. During the period of probation, the services are liable to be terminated at any time without notice, and/or assigning any reasons whatsoever;”

The letter of appointment bears the date of May 29, 1967. The order of termination was made on December 15, 1967, that is to say within the probation period of one year. Mr. Mukherji also produces a copy of the Rules known as ‘Oil and Natural Gas Commission (Conduct, Discipline and Appeal) Regulations, 1964’. There is nothing in the regulation contrary to clause (iii) of the appointment letter.

4. Therefore, there is nothing to show that the service conditions of the workman were altered to his prejudice or that there was any contravention of provision of Section 33 of the Industrial Disputes Act. That being the position, the provisions of Section 33A are not attracted and no application under that section lies.

I therefore dismiss this application.

Sd./- B. N. BANERJEE,
Presiding Officer.

Dated, February 27, 1969.

[No. 25/7/69-LR-I.]

S.O. 1140.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jabalpur, in the matter of application under Section 33A of the said Act from Shri Shail Sharma S/o Shri Rameshwar Prasad Sharma, Ex-Time Keeper of Messrs Sutna Stone and Lime Company Limited, Satna Siding, Madhya Pradesh, which was received by the Central Government on the 5th March, 1969.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR

Dated February 25, 1969

PRESENT:

Shri G. C. Agarwala, Presiding Officer.

CASE NO. CGIT/LC(A)(8)/1968 U/S 33-A I.D. ACT.

PARTIES

Shri Shail Sharma S/o Shri Rameshwar Prasad Sharma Ex-Time Keeper of M/s. Sutna Stone and Lime Co. Ltd., Satna Siding, Satna M.P.—*Applicant*.

Vs.

The employers of M/s. Sutna Stone, and Lime Co., Ltd., Satna Siding Satna M.P.—*Opp. Party*.

APPEARANCES:

For Applicant—Shri Shail Sharma (applicant).

For Opp. Party—Shri R. B. Sahay, Mines Manager.

INDUSTRY: Stone and Lime.

DISTRICT: Satna (M.P.).

AWARD

This is an application of one Shri Shail Sharma under Section 33-A I.D. Act, who was employed as a Time Keeper by the Opp. Party, M/s. Sutna Stone and Lime Co. Ltd. Satna. By an order dated 1st July, 1968 his services were terminated on the ground of unauthorised absence. Under the Certified Standing Orders according to the opposite party, the applicant lost lien for employment for unauthorised absence for more than 10 days. He was, however, offered a fresh appointment to which he was not agreeable. Since an industrial dispute was pending, Case No. CGIT/LC(R)(3)/68, and the termination was brought about without compliance of provisions to Section 33, the applicant filed the application under Section 33-A. The employers, however, alleged that Section 33 did not apply.

The parties have settled the dispute and have filed a compromise petition as a Memorandum of Settlement which is reproduced in the annexure. The opposite party has agreed to reinstate the applicant with continuity of service. That being so, an award is recorded in terms of the compromise settlement.

Sd./- G. C. AGARWALA

Presiding Officer.

25-2-1969.

ANNEXURE

MEMORANDUM of settlement between the Management of the Raghurajnagar Limestone Mines of the Sutna Stone and Lime Co. Ltd. and Sri Shail Sharma, Time Keeper.

PLACE: Satna Siding.

Dated 18th January, 1969.

Representing Management.—1. Shri R. B. Sahay, Mines Manager, Raghurajnagar Limestone Mine.

Representing Workmen.—2. Shri Shail Sharma, Time Keeper.

3. Shri Jai Bir Singh, General Secretary, Pathar Avan Choona Mazdoor Congress Satna Siding.

Memorandum of Settlement

1. Shri Shail Shama agrees to withdraw the application filed by him under Section 33A before the Central Government Industrial Tribunal, Jabalpur and also agrees not to raise any further Industrial Dispute regarding his alleged unemployment during the period 14.7.1968 to 18.1.1969.

2. Management agrees to allow Shri Shail Sharma to resume duty forthwith.

3. Management agrees as a Special case that the continuity of service of Shri Shail Sharma will not be deemed to have been broken due to his absence from duty during the period 18.5.1968 to 18.1.1969.

4. Management agrees as special case to pay Shri Shail Sharma equivalent to 50 per cent of his present salary (that is at the rate of Rs. 143.60 P. per month for the period 14.7.1968 to 18.1.1969).

5. Shri Shail Sharma agrees to join duty immediately.

6. Management agrees to pay Rupees Fifty only to Shri Shail Sharma as Ex-gratia payment.

Representing Management.

Sd./- R. B. SAHAY.

18-1-69.

Witness: Illegible.

Representing Workmen.

1. Sd./- SHRI SHAIL, SHARMA.

18-1-69.

2. Sd./- JAI BIR SINGH.

G. C AGARWALA,

Presiding Officer.
28-2-69.

Witness: Illegible.

Sd./- Illegible.

REFERENCE NO. 3 OF 1968

[No. 25/7/69-LR-I(ii).]

S.O. 1141.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the National Tribunal, Calcutta, in the matter of application under Section 33A of the said Act from Shri D. P. Shah, represented by O.N.G.C. Employees Mazdoor Sabha, Baroda, which was received by the Central Government on the 5th March, 1969.

NATIONAL TRIBUNAL AT CALCUTTA MISC. APPLICATION NO. NIT-1 OF 1968

(Arising out of Ref. No. NIT-5 of 1967).

PARTIES

Shri D. P. Shah, C/o. O.N.G.C. Employees Mazdoor Sabha, GPL Branch, Baroda.—Applicant.

Vs.

The General Manager, ONGC. W. Region, Baroda.

AND

The Executive Engineer, ONGC. GPL, Elempeeco Building, Sayaji Ganj Baroda.—Opp. Party.

PRESENT:

Shri B. N. Bancrjee, Presiding Officer.

APPEARANCES:

On behalf of Applicant—Absent

On behalf of Opp. Party.—Mr. Monotosh Mukherjee, Counsel.

STATE: Gujarat.

INDUSTRY: Oil and Gas.

AWARD

This is an application, under Section 33A of the Industrial Disputes Act, 1947, alleging that the termination of services of the applicant without notice and without reason was in contravention of Section 33A of the Industrial Disputes Act and praying for his reinstatement to the original post.

2. The main reference has now been long disposed of. This application was filed on January 19, 1968, when my learned predecessor was in office. After he retired, the matter was transferred to myself only on December 12, 1968. The matter was fixed for peremptory hearing to-day, by an order dated January 20, 1969 and notice of the order was duly received by the applicant. Two days before the date of peremptory hearing, there was a phonogram received from the applicant praying for adjournment of the hearing. That prayer was rejected. Nobody thereafter cared to appear on behalf of the applicant.

3. The respondents, Opposite party, were represented by Mr. Monotosh Mukherjee, Counsel. He submitted that under his terms of appointment, contained in letter dated March 9, 1967, the applicant was appointed to a temporary post and was to be on probation for one year. Clause 13 of the terms of appointment provided:

"You will be on probation for a period of one year from the date of appointment. The period may be extended at the discretion of the appointing authority. During the period of probation, your services are liable to be terminated at any time without notice and/or assigning any reasons.

The above letter is an annexure to the reply to the application filed by the applicant. Mr. Mukherjee also filed before the tribunal a set of rules known as 'Oil and Natural Gas Commission (Conduct, Discipline and Appeal) Regulations, 1964'. There is nothing contained in those rules, which in any way goes contrary to clause 13 of the letter of appointment. On these materials Mr. Mukherjee submitted that there had been no contravention of provisions of Section 33 and service conditions of the applicant had not been altered to his prejudice and as such the provisions of Section 33A were not attracted.

4. I myself examined the records, as far as I could, in the absence of the applicant and I do not find anything on records to support the complaint of the applicant.

I, therefore, dismiss the application.

(Sd.) B. N. BANERJEE,

Presiding Officer.

Dated, February 27, 1968.

[No. 25/7/69-LR-I(iii)]

S.O. 1142.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Bombay, in the industrial dispute between the employers in relation to Messrs L. B. Simoes, Mine Owners, Curchorem, Sanvordem, Goa and their workmen, which was received by the Central Government on the 3rd March, 1969.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, BOMBAY

REFERENCE No. CGIT-26 OF 1965

PARTIES

Employers in relation to Messrs. L. B. Simoes.

AND

Their workmen.

PRESENT:

Shri A. T. Zambre, Presiding Officer.

APPEARANCES:

For the employers.—No appearance.

For the workmen.—Shri V. A. Gavas, General Secretary, National Mine Workers' Union.

STATE: Union Territory of Goa.

INDUSTRY: Mining.

Bombay, dated 20th February, 1969.

AWARD

The Government of India, Ministry of Labour and Employment by their order No. 24/12/65-LR-I, dated 3rd April, 1965 have referred to this Tribunal for adjudication an industrial dispute existing between the employers in relation to Messrs. L. B. Simoes and their workmen in respect of the matters specified in the following schedule:—

SCHEDULE

"Whether the refusal of work by the management of Messrs. L. B. Simoes to Shri Andrew Vaz, Driver, from the 6th May, 1964, is justified? If not, to what relief is he entitled?"

2. The workman Shri Andrew Vaz, who is concerned in this reference was in the employ of Messrs. L. B. Simoes and was working as a driver. He was a member of the National Mine Workers' Union, Goa and had contended that the employers had refused him work from 6th May, 1964 and had illegally terminated his services. The union had sought the intervention of the Conciliation Officer, Vasco da Gama but as there was no amicable settlement the Conciliation Officer submitted his failure report and the matter was referred to this Tribunal.

3. After the reference notices were issued to Messrs. L. B. Simoes and the National Mine Workers' Union who were parties to the reference.

4. The employers have filed a written statement and have raised technical issues and have further contended that they did not refuse work to the truck driver but he had absented himself from work from 6th April, 1964 without informing the employers and he had voluntarily resigned from service. There was no industrial dispute and the employers were not obliged to take back the worker. They have raised further contentions about the application made by the workman admitting his absence from service and have contended that the workman is not entitled to any relief.

5. The union though served with the notice of this reference has not filed any written statement. The National Mine Workers' Union, Goa, had by their letter dated 8th April, 1968, prayed for time for filing the statement contending that the officer entrusted with the brief of the case had gone to Dhanbad etc., and though time was granted, they did not file any written statement.

6. The matter was fixed for hearing on the 4th February, 1969 on which date Shri Gavas the Central Secretary of the National Mine Workers' Union appeared and submitted that he did not want to file any written statement as the matter had been amicably settled. That day the employers were not present though served and so the case was adjourned to the 7th February, 1969. On this day also Shri Gavas submitted that the matter was amicably settled between the parties and the union did not wish to press the issue involved in the reference. Shri Gavas had also given in writing to that effect. This clearly shows that the dispute has been amicably settled. Hence the employers are not taking interest in the proceedings. As the union does not wish to press the issue it shall have to be held that the management was justified in refusing work to Shri Andrew Vaz, Driver, and he is not entitled to any relief. Hence my award accordingly.

No order as to costs.

(Sd.) A. T. ZAMBRE,

Presiding Officer,

Central Government Industrial Tribunal, Bombay.

[No. 24/12/65-LR-I]

S.O. 1143.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal (No. 3), Dhanbad, in the industrial dispute between the employers in relation to the management of Murli Pahari Mica Mine of Messrs Singho Mica Mining Company Limited, Post Office Domchanch, District Hazaribagh and their workmen, which was received by the Central Government on the 6th March, 1969.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 3) AT DHANBAD.

REFERENCE NO. 3 OF 1968

PRESENT:

Shri Sachidanand Sinha, Presiding Officer.

PARTIES

Employers in relation to the management of Murli Pahari Mica Mine of Messrs Singho Mica Mining Company Limited.

Vs.

Their workmen.

APPEARANCES :

For Employers: Shri Girdhar Gopal, Labour Officer.

For workmen: Shri K. C. Mishra, Secretary, Metalliferous Mines Official Association.

INDUSTRY: Coal.

STATE: Bihar.

Dhanbad, the 24th of February, 1969.

AWARD

1. The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the management of Murli Pahari Mica Mine of Messrs Singho Mica Mining Company Limited, P.O. Domchanch, District Hazaribagh, and their workmen by its order No. 20/8/67-LRI dated the 30th of October, 1967, referred to the Central Government Industrial Tribunal, Dhanbad under section 10(1)(d) of the Industrial Disputes Act, 1947 for adjudication the dispute in respect of the matters specified in the Schedule annexed thereto. The Schedule is extracted below :—

SCHEDULE

"Whether the action of the management of Murli Pahari Mica Mine of Messrs Singho Mica Mining Company Limited, Post Office Domchanch, District Hazaribagh in retrenching Shri Satya Prakash Arya, Mining Assistant from service with effect from the 5th June, 1967, was justified? If not, to what relief is the workman entitled?"

2. The Central Government Industrial Tribunal, Dhanbad registered the reference as reference No. 47 of 1967 on its file. While it was pending there, the proceeding was transferred to this tribunal by the Central Government by its order No. 20/8/67-JRI dated the 30th of July, 1968 and consequently the reference was renumbered on the file of this Tribunal as reference No. 3 of 1968.

3. On the 7th of April, 1968 the Hony. General Secretary, Metalliferous Mine Officials Association filed the written statement on behalf of the workman. Their case is that the concerned workman Sri Satya Prakash Arya was retrenched not due to reduction of work but due to victimisation on account of his Trade Union activities and hence the retrenchment was not justified.

4. The concerned workman Sri S. P. Arya was appointed as a Mining Assistant on the 22nd of September, 1964. The Union has given the names of some junior staffs working under the same management with date of appointment during the relevant time. The names are given below :—

Name	Designation	Date of appointment
1. Sri S. Parajapati	Mining Asstt.	24-12-65
2. „ Sabrati Miya	—do—	18-11-64
3. „ Sukhdeo Singh	—do—	11-11-65

5. According to the Union the aforesaid staffs were working under the same management and were junior to the concerned workman Sri S. P. Arya and they ought to have been retrenched first. According to the union the management wanted to break down the activities of the association by victimising the active worker.

6. The management has filed the written statement on 28th June, 1968. According to the management Sri S. P. Arya, the concerned workman was working as a Mining Asstt. at the relevant time. According to the Management there were two classes of Mining Assistants namely Mining Diploma holders and those without any diploma. Shri S. P. Arya was a mining assistant holding the Mining Diploma and since he was holding the Mining Diploma he was in a different category and was drawing higher pay than the Mining Assistants without any diploma. The two categories of Mining Assistants namely Mining Diploma holders and those without any diploma were of distinct categories. Diploma holder mining assistants were of superior category and were distinct from the other non-diploma holding mining assistants.

7. At the date of termination of service of Shri S. P. Arya there were four mining assistants working at Murli Pahari Mica Mines. Out of them Yamuna Prasad Verma, mining assistant without diploma was appointed on 4th April, 1965. According to the management at the date of termination of service of Sri S. P. Arya he was the only workman in that category i.e. the only diploma holder mining assistant. It was further contended by the management that the mining assistants mentioned in the written statement of the union were not working at the Murli Pahari Mica Mines at the relevant time and as such a comparison with their length of service with that of Sri S. P. Arya is not legally tenable.

8. According to the management due to the reduction in work at Murli Pahari Mica Mines the services of Shri S. P. Arya became surplus to requirements and his services were terminated per letter dated the 5th June, 1967 and he was offered retrenchment compensation together with a month's pay in lieu of notice and that Shri S. P. Arya collected his retrenchment compensation together with notice pay and other dues and also his wages upto 8th June, 1967. It was further contended that Sri S. P. Arya voluntarily collected all his dues in full and final settlement of his claims to his entire satisfaction and wrote a letter dated 8th June, 1967 to the same effect. It was denied by the management that the retrenchment of Sri S. P. Arya was on account of his taking active part in the association. It was submitted on behalf of the management that they were not even aware that Sri S. P. Arya was a member of the association and that the management had no knowledge about the names of the office bearers or of the members of the Association. According to them they followed all of the legal formalities necessary under the provisions of section 25 F of the Industrial Disputes Act, 1947 while retrenching Sri S. P. Arya and that retrenchment was *bona fide* and justified.

9. The first point for consideration in this reference is whether the retrenchment of Shri S. P. Arya was proper, *bona fide* and justified. The management has a right to reorganize their business in any fashion they like for the purpose of economy or convenience and no-body is entitled to tell them how they should conduct their business. The management, therefore, has a right to determine the volume of its labour force, consistent with its business, or anticipated business and its organisation. In other words the management has a right to take a decision to retrench the dead weight of uneconomic surplus. The law only requires that in effecting retrenchment for any reason whatsoever the employer must be acting *bona fide* and not for the purpose of victimising his employees in order to get rid of their services. An action of the management in effecting retrenchment must be free from *mala fide* and unfair labour practice. The question therefore, whether a particular termination of service of any workman or workmen amounts to retrenchment must be determined on the facts and circumstances of each case. It is only when the termination was due to the fact that the workman discharged was surplus, i.e. in excess of the requirements of the business, the termination of service of a workman will amount to retrenchment otherwise not.

10. In the instance case the management contended that the retrenchment was on account of reduction of work and that the concerned workman Sri S. P. Arya was retrenched on account of his being surplus. MW-1 is Shri Harikant Mishra, the Zonal Manager, Chrestiran Mica Mining Industries Ltd. and Singho Mica Mining Co. Ltd. He has stated in his evidence that he received Ext. M-2 which is a letter from the Joint Director of Mines Safety. He further stated that on receipt of this letter there was stoppage of work in certain section of the mine which needed the constant supervision of a diploma holder mining assistant and after that particular section of the mine was closed the services of Sri S. P. Arya, the Mining Assistant was not considered necessary and became surplus and therefore, he was retrenched. In the cross-examination he has further stated that warning letter like Ext. M-2 is received every year for the mines which is situated by the side of

the Nala etc. where there is danger of inundation and that stoppage of work on account of danger of inundation continues from 15th June till 31st of October every year. He further stated that no other mining assistant was retrenched along with Sri S. P. Arya on the 5th of June, 1967 and that Sri S. P. Arya was the only mining assistant to be retrenched in that year. Whereas WW-1 Shri S. P. Arya, the concerned workman has stated in his evidence that in June, 1967 there was no shortage of work nor he was surplus. He has further stated that even after his retrenchment the shaft sinking was going on as usual and work was also being continued in three shifts and that no body else excepting him was retrenched. He has further stated in his evidence that it was a case of victimisation on account of his Trade Union activities. The meeting of the Metalliferous Mines Officials Association was to be held on 29th May, 1967 but the meeting could not be held on that date. On 30th May, 1967 Sri Harikant Mishra, MW-1 warned him not to join the Metalliferous Mine Officials Association. On the 4th of June, 1967 there was a meeting of the members of Metalliferous Mines Officials Association and he was elected Joint Secretary of that union. This was not liked by Sri Mishra and therefore, he was retrenched on the following day i.e. on the 5th of June, 1967.

11. According to the management the retrenchment was done in consequence of the receipt of the letter Ext. M-2. Ext. M-2 is issued every year under regulation 127 of the Metalliferous Mines Regulations, 1961. It was a warning letter for inundation for safety and is issued every year. This letter is not for closure of work of any section. It was simply a warning letter of inundation. Moreover, it appears that Ext. M-2 was issued by the Joint Director of Mines Safety on 3rd June, 1967 and it was received by the management on 10th June, 1967. Sri S. P. Arya was retrenched on 5th June, 1967. Therefore, his retrenchment had no bearing or connection with the issue of Ext. M-2. He was retrenched before Ext. M-2 was received by the management.

12. WW-1 has stated in his evidence that the shaft sinking was going on as usual and the mine was also being worked in three shifts. All facts go to show that as a matter of fact there was no reduction of work. In this connection their Lordships of Supreme Court in the case between the workmen of Subong Tea Estate (India Tea Employees' Union) and Subong Tea State and another reported in 1964 (1) L.L.J. page 333 have observed as follows:

"The management could effect retrenchment for proper reasons. It is undoubtedly true that it is for the management to decide the strength of its labour force, for the number of workmen required to carry out efficiently the work involved in the industrial undertaking of any employer must always be left to be determined by the management in its discretion, and so, occasions may arise when the number of employees may exceed the reasonable and legitimate needs of the undertakings. In such a case, if any workmen become surplus, it would be open to the management to retrench them. Workmen may become surplus on the ground of rationalization or on the ground of economy reasonably and *bona fide* adopted by the management or of other industrial or trade reasons. In all these cases, the management would be justified in effecting retrenchment in its labour force. Thus, though the right of the management to effect retrenchment cannot normally be questioned, when a dispute arises before an industrial court in regard to the validity of any retrenchment, it would be necessary for industrial adjudication to consider whether the impugned retrenchment was justified for proper reasons. It would not open to the management either capriciously or without any reason at all to say that it proposes to reduce its labour force for no rhyme or reason."

13. The management has therefore, failed to prove that as a matter of fact there was any reduction of work in the month of June, 1967.

14. Even assuming that the retrenchment was justified let us see if the management followed the procedure for retrenchment as laid down in section 25 G of the Industrial Disputes Act. Section 25 G of the Industrial Disputes Act deal with the procedure for retrenchment and has given legislative recognition to the principle "last come first go". By this section a statutory obligation is imposed on the employer to follow the rule, and if he wants to depart from it to record his reason for the departure.

15. The Industrial Rule of retrenchment "last come first go" is subject to two limitations. (I) It operates within the establishment of which the retrenchment is to be made, and (II) it applies to the category to which the retrenched workman belongs.

16. Section 25 G makes it clear that the unit of an industry to which the statutory principle governing retrenchment applied is an "industrial establishment". The term 'industrial establishment' has not been defined by the Act.

17. Generally when the workmen are transferred from one section to another depending upon the exigencies of service, it is fair and just, if in effecting retrenchment, seniority in service is determined from among workmen treating them as a common pool according to the principle of "last come first go".

18. Ext. W-1 is the letter of appointment of Sri S. P. Arya. Ext. W-1 shows that Sri S. P. Arya was appointed on 22nd September, 1964. Initially he was appointed as shift incharge by the Chrestien Mica Industries Limited. According to the terms of his appointment he was liable to be transferred from place to place under the management of the Company and his service was to be governed by the Service Rules and Regulations of the Company that might be in force from time to time. MW-1 Shri H. K. Mishra, the Zonal Manager has stated in his evidence that Singho Mica Mining Co. Ltd., Ganwan Mica Mining Co. Ltd., and Kariatory Mica Mining Co. Ltd. are the three sister concerns of Messrs Chrestien Mica Industries Limited. WW-1 Sri S. P. Arya has stated in his evidence that after his appointment he was working as Mining Assistant at Khirkia Mica Mine of Ganwan Mica Mining Co. Ltd. On 15th September, 1965 he was transferred from Khirkia Mica Mine to Muruli Mica Mine of Singho Mica Mining Co. Ltd. He further stated that mining assistant Naresh Chandra Sinha was transferred to Khirkia Mica Mine of Ganwan Mica Mining Co. and he was transferred in his place to Murulipahari Mica Mine. Sri Naresh Chandra Sinha was also a diploma holder mining assistant. These facts are not disputed. Since mining assistants were transferred from Khirkia Mica Mine of Ganwan Mica Mining Co. Ltd. to Murulipahari Mica Mine of Singho Mica Mining Co. Ltd. depending upon the exigencies of service they must be considered as one and the same industrial establishment. Singho Mica Mining Co. Ltd., and Ganwan Mica Mining Co. Ltd., are under the same management of Chrestien Mica Industries Ltd. The instance case shows that the service of employees centrally employed by Chrestien Mica Industries Ltd. are transferable to the mines owned by the sister concerns viz. Singho Mica Mining Co. Ltd. and Ganwan Mica Mining Co. Ltd. Therefore, the Chrestien Mica Industries Ltd., along with Singho Mica Mining Co. Ltd. and Ganwan Mica Mining Co. Ltd. may be considered as one and same industrial establishment.

19. According to the management Sri S. P. Arya was a diploma holder mining assistant and as such he was in superior category than the non-diploma holder mining assistants and the non-diploma holding mining assistants and the diploma holding mining assistants are different categories. MW-1 Shri H. K. Mishra has stated in his evidence that there are two categories of mining assistants viz. diploma holder mining assistants and non-diploma holder mining assistants and they are distinct categories. Diploma holding mining assistant is of superior category while non-diploma holding mining assistant is of inferior category. According to him the nature of work, pay scale and condition of service of diploma holders mining assistants and they are distinct categories. Diploma holding mining assistant is of superior category while non-diploma holding mining assistant is of inferior category. He has further stated that the diploma holder mining assistants are allowed to supervise a particular kind of mining work of complicated nature where technical knowledge of complicated nature is required. Whereas the case of the union is that the duties and responsibilities of a diploma holding mining assistant and non-diploma holding mining assistant are the same and they belonged to the same category and both are essentially incharge of the shift. WW-1 Sri S. P. Arya has stated in his evidence that as a diploma holder mining assistant he was used to be in-charge of one shift by rotation and his duty was for eight hours. He has further stated that for some time he used to be incharge of shaft-sinking for one shift and similarly non-diploma holding mining assistants also used to be incharge of shaft sinking in subsequent shifts. Therefore, the evidence tends to show that there is only one category of mining assistants. They may be diploma holders or non-diploma holders. But once they are mining assistants, they are incharge of the shift and they have to perform identical duties and responsibilities and therefore, I hold that the diploma holder mining assistant and non-diploma holder mining assistant must be considered in one category.

20. According to the management Shri Yamuna Prasad Verma who was non-diploma holding mining assistant, was working at Murulipahari Mica Mine and he was appointed on 4th April, 1965 whereas Shri S. P. Arya was appointed on 22nd September, 1964. Therefore, decidedly Shri Arya was senior to Yamuna Prasad Verma, a non-diploma holder mining assistant working at Murulipahari Mica Mine and therefore, according to the rule Shri Verma ought to have been retrenched and not the concerned workman Shri S. P. Arya.

21. But assuming diploma holding mining assistants in separate category even in that case Sri S. Prajapati who was a diploma holder mining assistant of Singho Mica Mining Co. was appointed on 24th December, 1965 and he was junior to Shri S. P. Arya who was appointed on 22nd September, 1964. MW-1 Shri H. K. Mishra has stated in his evidence that Shri S. Prajapati was a diploma holder mining assistant and was working in Jhagraiya Mica Mine of Singho Mica Mining Co. According to the union he was appointed on

24th December, 1965 and it has not been challenged by the management. Therefore Shri S. Prajapati of Singho Mica Mining Co. Ltd. was junior to the concerned workman Shri S. P. Arya and according to rule Shri S. Prajapati should have been retrenched and not Shri S. P. Arya. Shri Naresh Chandra Sinha was transferred from Murulipahari Mica Mine to Khirkia Mica Mine and Shri S. P. Arya was transferred in his place from Khirkia Mica Mine to Murulipahari Mica Mine. Their services were transferable inter se. According to Shri S. P. Arya Shri Naresh Chandra Sinha was junior to him of five to six months and on this point he has not been cross-examined. Therefore, according to the union even assuming that diploma holding mining assistant and non-diploma holding mining assistants to be of different category, even in that case at the time of retrenchment of Shri S. P. Arya, Naresh Chandra Sinha Diploma Holding Mining Assistant and S. Prajapati Diploma Holding Mining Assistant were junior to Shri S. P. Arya and therefore his retrenchment was also not according to rules laid down under Section 25 G of the Industrial Disputes Act, 1947.

22. It has also been argued before me that since the concerned workman Sri S. P. Arya has received the retrenchment compensation with notice pay voluntarily in full and final settlement of his claim and granted receipt Ext. M-1 and therefore, it is not open to him to re-agitate the matter again. WW-1 Sri S. P. Arya has stated in his evidence that he received his compensation as he was in need of money. He was made to sign Ext. M-1 on account of his helplessness and financial trouble due to sudden retrenchment.

23. In the case mentioned above in 1964 (I) L.L.J. page 333 it was observed that "the technical plea that the concerned workmen are estopped from challenging the validity of retrenchment as they had accepted retrenchment compensation should not be entertained as such technical plea are not generally entertained in industrial adjudication."

24. I therefore hold that the acceptance of retrenchment compensation by the concerned workman should not operate as a bar so as to prevent him from challenging the validity of the retrenchment itself.

25. It was further submitted before me on behalf of the management that it was not an industrial dispute but there is no force in this submission. The Metalliferous Mines Official Association raised the dispute on behalf of the workman before the management of Cherestien Mica Industries Ltd., Domchanch by its letter dated 12th June, 1967 and the Metalliferous Mines Official Association also espoused the cause of the workman before this Tribunal. Moreover, the dispute concerning discharge, dismissal, termination of service or retrenchment is per se an industrial dispute. Therefore, I hold that it is an industrial dispute.

26. In this case I find that Sri S. P. Arya is at present working with Messrs Chatturam Horilram Ltd. from 1st January, 1968 at the pay scale of Rs. 250 per month. Under the circumstances reinstatement could not be harmonious to the relationship of the employers and employee. Sri S. P. Arya has filed a petition before me to the effect that since he had got another employment he may be granted compensation for the period of idleness i.e., from 5th June, 1967 to 31st December, 1967. Therefore, my finding is that the retrenchment of Sri S. P. Arya was not based on any reduction in work and was therefore not justified for proper reasons. Moreover he was not retrenched according to the rule laid down in Section 25G of the Industrial Disputes Act.

27. The action of the management of Murulipahari Mica Mine of Messrs Singho Mica Mining Co. Ltd. in retrenching Shri S. P. Arya, Mining Assistant from the 5th June, 1967 was justified. He is therefore, entitled to full back wages from 5th June, 1967 to the 31st December, 1967 subject to the direction that amounts paid by way of retrenchment compensation and notice pay should be adjusted against back wages.

This is my award. It may be submitted to the Central Government under Section 15 of the Industrial Disputes Act, 1947.

(Sd.) SACHIDANAND SINHA,

Presiding Officer,

Central Govt. Industrial Tribunal-cum-Labour,

Court No. 3, Dhanbad.

[No. 20/8/67-LRT.]

ORDERS

New Delhi, the 11th March 1969

S.O. 1144.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Punjab National Bank Limited, Bombay and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, Bombay, constituted under section 7A of the said Act.

SCHEDULE

"Whether Shri Shivram Dogra, Watchman, employed by Messrs. Punjab National Bank, Limited, Mandvi, Bombay-9, is entitled to air-conditioning plant helper allowance at Rs. 35.00 per month and to other benefits such as dearness allowance, bonus and overtime allowance for the additional duties performed by him as such helper? If so, from which date will he be entitled to the relief and what directions are necessary to grant him the said reliefs".

[No. 23/102/68-LR.III.]

New Delhi, the 14th March 1969

S.O. 1145.—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Advance Insurance Company, Limited, Bombay and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Bombay constituted under section 7A of the said Act.

SCHEDULE

- (i) Whether the management of M/s. Advance Insurance Company Limited, Bombay, was justified in retrenching 30 of their employees, whose names are given in the Annexure with effect from the 21st August, 1968?

ANNEXURE

Name

1. Shri A. M. Joshi.
2. Shri U. A. Laonis.
3. Shri Jayant Puttran.
4. Miss Lalita Mayawanshi.
5. Shri B. B. Dalvi.
6. Shri P. R. Potedar.
7. Shri J. P. Shah.
8. Shri Mahendra B. Shah.
9. Miss Lily D'sa.
10. Shri Lalita Khandre.
11. Shri Deepak G. Kothare.
12. Shri S. A. Patel.
13. Shri A. N. Shah.
14. Shri H. S. Purohit.
15. Shri D. H. Mody.
16. Shri B. K. Rao.
17. Shri V. S. Darshetkar.
18. Shri H. G. Purohit.
19. Shri Vinod H. Shah.
20. Shri Laxmichand Hakani.
21. Shri D. B. Jadhav.

22. Shri R. K. Raut.
23. Shri D. N. Kundan.
24. Shri P. G. Kadam.
25. Shri G. A. Uchil.
26. Shri G. S. Sawant.
27. Shri V. K. Despande.
28. Shri G. K. Anil.
29. Shri Satyanarayan Tiwari.
30. Shri Janu Pate.

(ii) If not, to what relief are they entitled?

[No. 25/42/68-LR.III.]

P. C. MISRA, Under Secy.

(Department of Labour and Employment)

New Delhi, the 14th March 1969

S.O. 1146.—In exercise of the powers conferred by sections 7 and 9 of the Minimum Wages Act, 1948 (11 of 1948), the Central Government hereby nominates Shri G. S. Seshadri, Deputy Secretary to the Government of India, Department of Works, Housing and Urban Development (Works Division), New Delhi and Shri Raja Ram, Assistant Commissioner (Land Reclamation) Department of Agriculture, New Delhi in place of Sarvashri R. T. D. Joseph and F. C. Gera as members of the Advisory Board appointed by the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 3580 dated the 26th September 1968 and makes the following amendments to the said notification:

In the said notification, under the heading "II. Representatives of Employers", for entries (3) and (5) the following entries shall be substituted, namely:—

"(3) Shri G. S. Seshadri, Deputy Secretary to the Government of India, Department of Works, Housing and Urban Development (Works Division), New Delhi."

"(5) Shri Raja Ram, Assistant Commissioner (Land Reclamation) Department of Agriculture, New Delhi."

[No. 6(15)/68-LWI(I).]

B. K. SAKSENA, Under Secy.

(Department of Labour and Employment)

[Office of the Chief Labour Commissioner (Central)]

ORDER

New Delhi, the 10th March 1969

S.O. 1147.—Whereas an application has been made under Section 19(b) of the Payment of Bonus Act, 1965 by Messrs. Busserya Coal Co. (Private) Limited, (employer) in relation to their establishments mentioned in the Schedule below for extension of the Period for the payment of bonus to their employees for the accounting year ending on 31st March, 1966.

And, whereas being satisfied that there are sufficient reasons to extend the time, I have, in exercise of the powers conferred on me by proviso to clause (b) of section 19 of the said Act read with the notification of the Government of India in the Ministry of Labour and Employment No. WB-20(42)/65, dated the 28th August, 1965, passed Orders on 10th March, 1969, extending the period for payment of the said bonus by the said employer by 4 (four) months from the last date for payment of bonus under clause (b) of section 19 of the Act.

Now this is published for information of the employer and all the employees of the said establishment.

THE SCHEDULE

Name and address of the employer(s)

Establishment(s)

Busserya Coal Co. (Pvt.) Ltd.

Busserya Colliery,
P.O. Kusunda, Dhanbad.

[No. BA-5(24)/68-LS.I.]

O. VENKATACHALAM,
Chief Labour Commissioner, (Central).

(Department of Rehabilitation)

(Office of the Chief Settlement Commissioner)

New Delhi, the 5th March 1969

S.O. 1148.—Whereas the Central Government is of the opinion that it is necessary to acquire the evacuee properties specified in the schedule hereto annexed in the States of Gujarat, Maharashtra, Andhra Pradesh, Madras, Mysore and Kerala for a public purpose being a purpose connected with the relief and rehabilitation of displaced persons including payment of compensation to such persons.

Now, therefore, in exercise of the powers conferred by Section 12 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), it is notified that the Central Government has decided to acquire and hereby acquires the evacuee properties specified in the Schedule hereto annexed.

A. SCHEDULE

All Properties in the States of Gujarat, Maharashtra, Madras, Mysore, Andhra Pradesh and Kerala which have been allotted to the share of the Custodian in partition or have vested in the Custodian under Section 11 of the Evacuee Interest (Separation) Act, 1951, as a result of adjudication by the Competent Officer under the provisions of the said Act upto 31st December, 1968 and in respect of which no appeals have been filed, and if filed, have been rejected by the Appellate Officer.

[No. 1(27)Comp.&Prop./61.]

A. G. VASWANI,

~~Settlement Commissioner~~ and Ex-
Officio Under Secretary to the Government